

# **The Right to Land**

Nicaragua's Women and Land Tenure Legislation

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Master Thesis in Peace and Conflict Studies

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# **The Right to Land**

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# Abstract

In 2010, Nicaragua made a formal commitment to fight poverty and gender inequalities by improving land tenure legislation for rural women. The national government created a Fund that will provide mortgages to landless rural women. This initiative is a result of rural women's mobilisation and advocacy. The thesis investigates why and how Nicaraguan rural women activists gained official support to increase gender equality in land ownership. It analyses how women achieved legislation for control over means of agricultural production and territory, and how they successfully mobilised within the contemporary political context of Nicaragua.

How the activists organised themselves within a multi-layered society and political setting, and what notions of womanhood, poverty, power and participation played out in their activism will be essential in providing a better understanding for the success of this political project. The thesis is primarily based on interviews with politically involved actors in Nicaragua.

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# List of Abbreviations and Glossary

ALN	Alianza Liberal Nicaragüense	Nicaraguan Liberal Alliance
AMNLAE	Asociación de Mujeres Nicaragüenses Luisa Amanda Espinoza	Luisa Amanda Espinoza Association of Nicaraguan Women
ATC	Asociación de Trabajadores del Campo	Association of Rural Workers
CMR	Coordinadora de Mujeres Rurales	Rural Women's Coordination
CEDAW		Convention to Eliminate all Forms of Discrimination Against Women
CPC	Consejos de Poder Ciudadano	Councils of Citizens' Power
FSLN	Frente Sandinista Liberación Nacional	Sandinista National Liberation Front
FENACOO	Federación Nacional de Cooperativas	National Federation of Cooperatives
FEMUPROCAN	Federación Agropecuaria de Cooperativas de Mujeres Productoras del Campo de Nicaragua	Agricultural Federation of Nicaraguan Rural Women Producers' Cooperatives
IMF		International Monetary Fund
INIM	Instituto Nicaragüense de la Mujer	Nicaraguan Institute of Women
INVUR	Instituto de la Vivienda Urbana y Rural	Institute of Urban and Rural Housing
Law 717	Ley Creadora del Fondo para Compra de Tierras con Equidad de Género para Mujeres Rurales	Law Creating the Fund for the Purchase of Land with Gender Equity for Rural Women
La Vía Campesina		International Peasants' Movement
MAGFOR	Ministerio Agropecuario y Forestal	Ministry of Agriculture and Forestry
Manzana		0.7 hectares of land
MARENA	Ministerio del Ambiente y Recursos Naturales	Ministry of Environment and Natural Resources
MRS	Movimiento Renovación Sandinista	Sandinista Renovation Movement
NGO		Non-Governmental Organisation

PGN		Practical Gender Needs
PLC	Partido Liberal Constitucionalista	Constitutionalist Liberal Party
PLN	Partido Liberal Nacionalista	Nationalist Liberal Party
PRODUZCAMOS	Banco de Fomento a la Producción	(Let's Produce) is another name for Banco de Fomento a la Producción - Bank for the Promotion of Production
Red de Enlaces		The Network (of Rural Women's Organisations) –Later changed name to CMR
UN		United Nations
UNAG	Unión Nacional de Agricultores y Ganaderos	National Union of Agricultural and Cattle Farmers
UNAPA	Unión Nacional Agropecuaria de Productores y Asociados	National Union of Agricultural Associated Producers
UNO	Unión Nacional Opositora	National Opposition Union

# Map of Nicaragua



(Ezilon Maps, 2015)



# 1 Introduction

On the 6<sup>th</sup> of May 2010, Nicaragua took a stance for women's land ownership when the National Assembly with unanimous approval ratified Law 717 for this purpose. This Law demands the creation of a Fund that will provide favourable loans for landless rural women in order for them to buy land to cultivate. The Law further states that this will lead to gained economic independence, improved ability to provide for their families and advance their gender status. This declaration of political purposes and ambitions was initiated by rural women's organisations and gained support from the entire National Assembly, who unanimously approved Law 717.

Increasingly, debates about human security, poverty eradication, gender equality and food sovereignty are seen as interlinked. Social movements and Non-Governmental Organisations (NGOs) often reflect this perspective in their activism and programme planning, and governments are beginning to take this intersectional perspective into consideration in their policy and legislation. In Nicaragua, as well as globally, rural women are overrepresented among people in poverty and without property (Food and Agriculture Organization, 2013) Law 717 could potentially be important both for Nicaragua and for other countries that seek to improve the conditions among rural farming women and their families.

A blend of grass root organising, government contacts, and a political national and global climate of favourable discourse and policies have benefitted the creation of this Nicaraguan legislation.

International aid and national policies tend to address poverty from a gender-neutral perspective. In praxis, this implies a male bias, presuming a male head of household with the main responsibility for providing for their families. Women's issues were generally dealt with in terms of their roles as mothers, such as providing health clinics for giving birth. The fact that women are more prone to suffer from poverty, and the great gender inequalities in property ownership gained little acknowledgement. Of people living in poverty, the majority has until now, lived rurally. Thus rural women have been the ones hardest hit by poverty (Food and Agriculture Organization, 2013).

Many initiatives towards tackling poverty and gender inequality together, have been directed towards creating employment or mini-businesses, while, as Bina Agarwal (1994) finds, the

most important economic security for rural people, men and women, is to own their own land Nicaragua is among the first countries to legally deal with gender unequal land ownership in Latin America.<sup>1</sup>

Interestingly this has taken place under a government that has very contradicting policies regarding gender equality and emancipation for women. On the one hand, outspokenly antifeminist, and on the other, in favour of equal political representation, the Nicaraguan President Daniel Ortega has developed a policy of promoting gender equality but distanced himself from the feminist movement.

The initiative for the Law 717 came from women's organisations that managed to bring these issues to the political agenda. The Law is of interest to research because it aims to challenge power structures, both between men and women and between the rich and the poor, while simultaneously seeking to gain the approval, support and commitment from political actors who oftentimes belong to the privileged groups in those power structures. The thesis investigates the strategies and achievements of an autonomous feminist social movement who has successfully achieved support from the government and the National Assembly for their cause, while simultaneously, many other feminist and autonomous movements have met hostility and repression from the same government. While President Ortega has famously adapted some anti-feminist politics, and sought to co-opt much social organisation and exclude autonomous voices, the particular initiative to Law 717 has gained support even though it comes from a feminist and autonomous organisation. This case gives an opportunity to gain insight both to the multi-layered strategies and rhetoric of the rural women's mobilisation, and, to a lesser degree, the multidimensional factors that play part in politics and legislation in contemporary Nicaragua.

The purpose of this thesis is to see how women in general can gain access to land, and how Nicaraguan women in particular can partake and influence the state's political decision-making and gain land tenure. Realising what works and what does not, and why it worked or did not in the specific context of Nicaragua, can be useful when understanding and formulating similar initiatives elsewhere, or when understanding how social movements in Nicaragua can influence state politics.

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<sup>1</sup> Similar laws have been introduced in Colombia, Peru and Guatemala.



# 1.1 The Legacy of Women's Land Tenure

## 1.1.1 Poverty in Nicaragua Today

Nicaragua is one of the poorest countries in Latin America. Statistics from the World Food Programme (2007) show that 48 percent of the population live on less than a US\$1 a day and 76 percent on less than US\$2 a day. Poverty disproportionately affects the rural population which, in 2013 constituted 42 percent of Nicaragua's total population (World Bank, 2013). Among the rural population 63.8 percent lived below the national poverty line, in contrast to the still staggering, 26.8 percent in the urban areas (United Nations Millennium Development Goals Indicators, 2014). Over three quarters of poor households derive most of their income from agriculture, either as farmers and/or wage labourers (United Nations Development Programme, 2014). Undernourishment is a close companion to poverty. In 2009, 21 percent of the population was undernourished, having less than the minimum level of dietary consumption. In other words, 1.2 million people in Nicaragua are food poor: they cannot meet the daily minimum caloric requirement even if they were to devote all of their consumption to food (United Nations Millennium Development Goals Indicators, 2014). These conditions of poverty are the reality for most of the activists within the CMR (Coordination of Rural Women). For them, acquiring land is not only a matter of equality, but also a matter of survival.

One important reason to why the Nicaraguan population so extensively suffers from poverty is the politico-economic history of the country. Corruption has been a significant problem in Nicaraguan state politics, both by its dictators and by democratic leaders. When the FSLN lost the election in 1989, a 'scramble for Nicaragua', or what is referred to as the *piñata* took place. Many politicians transformed state assets into personal holdings. In 2000, Nicaragua had a debt burden of six billion US dollars, which at that time was the largest external debts per capita in the world (Cupples & Larios, 2005, p. 324).<sup>2</sup> However, in 2004, during Bolaños presidency the IMF begun major debt relief, promising to reduce Nicaraguan debt by 90 percent by 2023 (International Monetary Fund, 2004).

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<sup>2</sup> Corruption and national debt are only two factors explaining Nicaraguan poverty. Civil war, economic inflation and natural disasters also contributed to the current state of poverty.

Hence, the context in which Nicaraguan women are fighting for land rights is characterized by extreme poverty, which in many ways is caused by endemic historic corruption, and widespread mismanagement of resources. This poverty is not only affecting the overall Nicaraguan population, it is also hampering the capacity of the Nicaraguan state, and thus affects all levels of society.

### **1.1.2 The Women's Quest for Land**

The Rural Women's Coordination, CMR, coordinates a broad coalition of rural women's organisations. Together they have led the fight for women's land ownership. Through meetings, discussions and democratic decision-making processes they agreed to a law proposal. As the FSLN returned to power 2007, the time seemed right. The original draft was handed over to the National Assembly the same year and had 32 paragraphs that included the establishment of a Fund to support women's land acquisition through loans, training and equipment for farming and access to commercial markets for their produce (Coordinadora de Mujeres Rurales, 2007). In October 2009, Law 717, reduced to 12 paragraphs, was approved, and in May 2010 it was ratified by the Nicaraguan National Assembly (Law 717, 2010).

The Fund is directed to rural women with farming skills who do not own land from before. Further requirements are that they are heads of their households and single mothers. This is a requisite in order to prioritise among the women, and seeking to direct the assistance to those who need it most: dependent children and independent women.

## **1.2 Law 717**

Law 717 was approved by the Nicaraguan National Assembly on the 5<sup>th</sup> of May 2010, and published in *La Gaceta* No.111 on the 14<sup>th</sup> of June the same year. Publication in *La Gaceta* is the means in which the state officialises new laws in Nicaragua and makes them effective. The official title of the Law is 'Law Creating the Fund for the Purchase of Land with Gender Equity for Rural Women' (Ley Creadora del Fondo para Compra de Tierras con Equidad de Género para Mujeres Rurales). The Law is referred to in short as 'Law 717' (Ley No. 717).

Law 717 establishes a Fund with the purpose to provide loans to rural landless women with the purpose of enabling them to purchase land. The reasons as to why the women seek help from the state to obtain mortgages, instead of using the existing private bank system are due to two main factors. Firstly, women who lack assets and regular and secure incomes do not qualify for private bank loans, as they cannot provide any collateral as security to the bank. They are simply too poor to be eligible to borrow money. Secondly, by borrowing money from a State Fund, whose objective is not to profit from the borrowers, but rather to help them, they can gain loans at low interest rates and with longer times for instalment.

In creating a specific Fund for women to acquire land by their own means (obtaining loans), the state seeks to reduce poverty as well as promoting gender equality.

The stated objective of Law 717 is to

“confer legal ownership of land and equipment for rural women, which, besides improving the quality of life of the nuclear family, grant them access to financial resources, prioritizing those women who are household heads, and with low economic resources” (Law 717, 2010, my translation).

The execution of this programme seeks to

“promote and ensure equality between men and women, especially in rural areas, in order to gradually and effectively correct the existing inequalities that are strongly expressed in this sector” (Law 717, 2010, my translation).

The Law recognises that men have been historically favoured in land ownership. This is due both to gender unequal practices of male bias in heritage, gender blind agrarian politics, and as a result of men’s higher economic incomes than women have. Thus, male privilege remains a factor that continues to exclude women from equal access to the means of obtaining land.

The stated objectives of the Fund are:

1. “Finance the acquisition of properties in the rural sector, with the aim of establishing a Land Bank with focus on gender, which will grant poor women in the rural sector mortgages for the purchase of land, in which the land will be the collateral, taking into account their particular state of economic vulnerability.”

2. “Promote the empowerment of women in the rural sector by becoming the owners of a means of production, ensuring economic and food sovereignty of themselves and their families.”
3. “Strengthen and expand the rural production system, thereby contributing to efforts to reduce poverty and extreme poverty, which are especially prevalent in the countryside” (Law 717, 2010, my translation).

The Law clearly states as its ambitions to guarantee mortgages to rural women. The intended effect of the mortgages and the increased land tenure for women are to empower women, reduce poverty and gender inequality, and to increase productivity in the rural sector.

The funding is to be allocated from the national budget. However, it is not specified when the resources will be allocated, neither the quantity, nor the percentage of resources is declared; “the amount to be destined for the initial financing will depend on the available resources of the annual State Budget” (Law 717, 2010, Art. 3, my translation). Thereby Law 717 obliges the state to set aside resources for the Fund, but is not legally obliged to do so by a specific date or of an economic minimum.

The management of the Fund is more specific. The Law establishes that the Fund is to be organised and operated by a committee which will be headed by the president of PRODUZCAMOS, (The Bank for the Promotion of Production)<sup>3</sup>, and include one representative from each of the following institutions;

- Ministry of Agriculture and Forestry [MAGFOR],
- Nicaraguan Institute of Women [INIM],
- Rural Women’s Coordination [CMR]
- Institute of Urban and Rural Housing [INVUR],
- Ministry of Environment and Natural Resources [MARENA].

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<sup>3</sup> PRODUZCAMOS is a state bank that finances several projects and initiatives dedicated to promote production in agriculture, forestry and fishery. It was established in 2007, and much of its finances come from international sources, such as bilateral aid and investments. Although Law 717 and the Fund for credits has been the responsibility of PRODUZCAMOS since 2010, it is not mentioned at all on their webpage (2013).

Requisites for applicants are that they are rural women, without any land assets, who live in poverty, are heads of households and have previous knowledge of, and experience in, farming. Single mothers are the priority group. Beneficiaries of previous land reforms, or of war veteran's agricultural programmes, are not eligible to apply for loans from the Fund, managed by PRODUZCAMOS.<sup>4</sup>

The initiative to the Law was taken by a network of organisations affiliated with the Rural Women's Coordination, CMR (Coordinadora de Mujeres Rurales). Together they discussed their needs and solutions, and in collaboration with lawyers, produced a law proposal. The proposal was handed over to the National Assembly, by one of the National Assembly members, Alba Palacios, in November 2007. Palacios is a member of the FSLN and has been a crucial ally to the CMR throughout the legal process.

In the accompanying letter to the law proposal (Palacios, 2007) references are made to Nicaragua's commitment to women's human rights, and particularly rural women's rights, as established in signatory documents such as the CEDAW (Convention to Eliminate All Forms of Discrimination Against Women), the Universal Declaration on Human Rights, and national legislation, such as the constitutional rights and the government's socioeconomic ambitions that support their quest: the right to equality (Article 48), the democratisation of the property (Article 106) and the vindication of small and medium producers (Article 110).

In the law proposal, motives for the necessity of enhancing women's land ownership are made with references to women as family providers. Emphasis is placed on the benefit that female land ownership will have for the children, the national economy, and as a means to comply with existing laws and political programmes of democratisation of property, human rights and gender equality.

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<sup>4</sup> The lands to be bought are not to exceed 35,250.6 m<sup>2</sup> (PRODUZCAMOS, 2015). That equals roughly 3.5 hectare.

## 1.3 Research Question

The research question guiding this thesis is:

*Why have Nicaraguan rural women successfully obtained legislative rights in order to promote women's land ownership?*

In order to flesh out some important ramifications of the main question and to limit the scope of the research the thesis will explore three sub-questions.

- 1) Why did Nicaraguan rural women decided to pursue land ownership at this time?

This will help to shed light on this topic in a historic and social context, and to better understand the activists as operating in a national and international context.

- 2) What was the activists' course of procedure?

Special attention will be given to the rhetoric, argumentation and strategies that the activists used. This is of interest in order to analyse what notions of womanhood the Law embodies.

- 3) How did the Law proposal resonate with contemporary politics?

## 1.4 Background and Case Study

### 1.4.1 Unequal Access to Land

Access to land and control over natural resources has been central to politics in Nicaragua. One important aim of the Sandinista revolution was to address the unequal access to land and the skewed patterns of land distribution that have characterised the country for centuries, including the Somoza regimes (1937-1979) which preceded the radical changes that took place in Nicaragua during the 1980s. Through the Sandinista land reform, a substantial amount of land was confiscated and turned into cooperatives, or state run plantations, or distributed as private property to address the demands of landless farmers.

The Agrarian Reform Act was at the time exceptionally progressive in regard to including women. According to Deere (1983, p. 1045) “it is the first in Latin America to establish the legal preconditions for the incorporation of a significant number of rural women.” However, women did not benefit from the reforms to the same extent as men did (Cesi, 2005). Of all land distribution to private property, women constituted eight percent of the beneficiaries. For women participants of cooperatives, this number remained low, but was slightly increased; eleven percent (Cesi, 2005, p. 91). Men generally received larger plots of land and of better quality. As land was given to farming families, it was allocated to the household head, which in most cases was and is considered to be a man.

When the Sandinistas were voted out of power in 1990, three terms of market liberal governance followed. Issues related to land tenure were again central in Nicaraguan politics. The liberal governments privileged private property over communal property of land, and propagated a return of confiscated land to the previous owners (Baumeister, 2012, pp. 255-256; Boucher, Barham, & Carter, 2005, p. 110; Deere & León, 2001, p. 160).

Many people who had attained land through the Sandinista land reforms never obtained legal property rights over their plots, and there was often confusion as to who owned what. In some cases, several claims were held over the same land. In other cases, land was given back to the previous owners. The farmers who obtained their individual land rights lacked official support for the production, such as provision of equipment, loans and infrastructure (Boucher et al., 2005, p. 109). Poverty soared, and many farmers were forced to sell their land.

During her presidency (1990-1996), Violeta Chamorro initiated the process of legalising joint land ownership between spouses. This initiative was aimed at improving the situation for many landless women, recognising the gender inequalities in land ownership. The arguments in favour of increasing women’s property status were largely based on traditional notions of womanhood; “the explanation given at that moment was that one had to protect the children, the woman, the family” (Deere & León, 2001, p. 205).

Another initiative to address women’s lack of land tenure, and the national and regional conflicts in agrarian politics was taken thanks to the Arias Foundation for Peace and Human Progress. The Costa Rican President, and 1987 Nobel Peace Prize Laureate Óscar Arias had decided to promote women’s equal opportunities in all sectors, including the issues of land ownership, as an integral part of building sustainable peace in Central America (Arias

Foundation for Peace and Human Progress, 2015; The Nobel Foundation, 2005). Thus, incentives for supporting women's land ownership were taken in different forms and with different incentives both from the FSLN, from Chamorro and as part of Arias regional peace promotion. The pre-runner of the CMR started with the economic backing of the Arias Foundation. Although the funds had ceased, the CMR together with ATC and others established a broad coalition dedicated to continue the work to increase women's land ownership. The initiative for Law 717 was born among the women themselves.

### **1.4.2 Development of Contemporary Politics**

The 1979 triumph of the Sandinista revolution did not see an end to political violence in the country. Political conflicts escalated to an outbreak of civil war that ravaged the country for most of the 1980s. The opponents to the new government, known as the *contras*, (counter-revolutionaries), included both *Somozistas* (supporters of the former dictator Somoza) and other opponents to the Sandinista project and politics. The *contras* received financing and training by the CIA and the Ronald Reagan administration. The Contra War brought on deep splits within the population. At times, members of the same family found themselves fighting on opposite sides in the conflict.

An estimated 30,000 people died in the war, and many were disabled as a result of injuries. The Reagan administration's embargo on Nicaragua, shortages in consumer goods, hyperinflation of the economy and the introduction of the military draft all contributed to declining support for the FSLN. The war ended when the FSLN lost power in the 1989 elections to a coalition of opposition parties, UNO (Union of National Opposition) led by Violeta Chamorro, the widow of Pedro Joaquín Chamorro, a prominent anti-Somoza journalist who was assassinated by the national guard in 1978. Violeta Chamorro's government coincided with the end of the Cold War, and the end of the Reagan administration. Chamorro advocated a politics of reconciliation and a durable peace was established.



The Constitutional Liberal Party (PLC) won the two following elections. The PLC had previously been part of Chamorro's National Opposition Union. In 1997, Arnoldo Alemán<sup>5</sup> held the presidency, and in 2002, Alemán's former vice-president Enrique Bolaños took office. The FSLN won the 2007 and the 2012 elections, and Daniel Ortega has occupied the presidency throughout both these terms.

### **1.4.3 Political Pacts**

For a better understanding of the contemporary political context that the rural women operated within, appealed to, and eventually gained the approval for Law 717 from, it is worth acknowledging an imperative shift in the political and legislative landscape of Nicaragua in which former political nemesis united in a shared quest for power. This shift took place through a political Pact that changed not only the operation of public institutions and party alliances; it also changed the conditions for participation by social movements and the political interests they had to take into account when mobilising for political and legislative support.

President Alemán and opposition leader Ortega negotiated The Pact in 1999, and the National Assembly officially approved it the following year. The Pact contained both constitutional amendments and changes to ordinary laws, strengthening the executive power and reducing accountability of all branches of government. The Pact established a partisan division of state institutions, with the aim to secure continuous political power and control by both PLC and FSLN over important state institutions, independently of which party actually wins elections and forms government.

Of particular importance was the political division of key positions in the Supreme Court and the Supreme Electoral Council, which the FSLN increasingly came to dominate. David Close explains the ambitions of the Pact:

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<sup>5</sup> The PLC was founded in 1968, and is a successor of the Liberal Party, which dates back to 1830 and later the Somoza rule. Arnoldo Alemán has a personal and family background closely associated with the Anastacio Somoza Debayle regime, in which his father served as Minister of Education, and Arnoldo Alemán as an official until the triumph of the revolution. As coffee plantation owners the Alemán family has been closely established among large agricultural business interests in Nicaragua (Darling, 1996).

“Both Ortega and Alemán sought to expand unaccountable presidential power and to secure a Liberal-Sandinista duopoly that legally kept other parties from contesting power. However, each also saw the Pact giving his party the inside track on becoming the dominant party in Nicaragua” (Close, 2012, p. 59).

Apart from securing each other’s backs, the Pact also set up obstacles to the formation, electoral participation and access to the National Assembly by new parties.

Alemán and Ortega further advantaged from the Pact since they, in their roles as former and current presidents of Nicaragua, were granted permanent seats in the National Assembly. This was convenient for both party leaders as it would secure them lifelong diplomatic immunity for all crimes allegedly committed by them in the past, present and future. Ortega wanted to escape justice for the criminal charges of rape and sexual abuse that his adopted stepdaughter Zoilamérica Narváez raised against him in 1998. Alemán, fearing on-going investigations, wanted to escape possible future charges and convictions for the extreme corruption that he was responsible for. Martí i Puig explains how the two men’s urge to escape justice overcame their deepest antipathies. “With Alemán Ortega established a reciprocity accord by which each would protect the other from the serious legal problems hanging over them” (Martí i Puig, 2012, p. 37).

One of the key accords of the Pact was to lower the requisites for winning an election in the first round from 45 percent to 35 percent, as long as a margin of five percent to the next party could be established. The new electoral requisite corresponded with the amount of votes the FSLN had received in previous elections, and could count on for future elections.

In spite of the promises of the Pact, Alemán’s presidential successor, his former vice-president, Enrique Bolaños, circumvent Alemán’s immunity and brought corruption charges to the former president. It was determined that Alemán had increased his personal assets by 900 percent and “appeared to be acquiring land at a voracious pace” (Cupples & Larios, 2005, p. 325). He was sentenced in 2003 to 20 years imprisonment for various charges of corruption. Transparency International (2004) has ranked Alemán the ninth most corrupt state leader. The FSLN supported Bolaños in the charges, but simultaneously maintained pacts with Alemán who despite his crimes continued to enjoy considerable support from his party.

The internal conflicts of the PLC eventually led to a split in the party, where those who opposed the Pact and Alemán formed a new party ALN, (Nicaragua Liberal Alliance). As

PLC had lost half of its supporters to ALN, the FSLN succeeded in winning the 2006 election in the first round, the pacts between Ortega and the PLC remain and have been extended since Ortega's return to office. Alemán's sentence was step by step mitigated, and in 2009 he was declared innocent by a court ruling. Ortega on the other hand, has been able to enjoy the loyalty of the PLC in the National Assembly and other institutions, and counts on a majority support for most political initiatives. This new interpretation of the democratic rule includes elements of populist electoral democracy and autocratic rule.

“Politically, the former revolutionary has walked a tightrope between democracy and autocracy, tolerating a democratic system and its institutions while seeking to acquire as much power as possible” (Anderson & Dodd, 2009, p. 157).

In a sense, the Pact of 2000 was the official and bipartisan division of power of state institutions. The scope of the Pact was extended in 2005 when Bolaños and Ortega negotiated another set of constitutional amendments<sup>6</sup>, which reflected even more the personal interests at stake.

The Pact has had the effect that the FSLN and the PLC in many ways operate as if they were an alliance, despite propagating opposite political ambitions and ideologies, and despite having being enemies on different combatant sides, both during the revolution and the Contra War. Further, both Ortega and the PLC can presumably count on the FSLN's loyal grassroots organisations to not pose an organised threat to the PLC and to Alemán. An advantage of the Pact, and the yielding of power from the president to his strongest opposition leader, was that Alemán was able to buy off the opposition. Dora María Téllez, a prominent Sandinista and critic of Ortega, asserts: “He correctly calculated that only the FSLN could put up any organized opposition to him in a crisis” (Téllez, 2000, cited in Pérez Baltodano, 2012, p. 74).

The analysis chapter will provide an insight into how Ortega seeks to co-opt grassroots movements by establishing Councils of Citizens' Power, which function as invited spaces of participation whereas before those spaces of grassroots organisation would be of a more autonomous character. The analysis chapter will show that the rural women activists were appealing not only to a president of conflicting ideals, but also to an intricate political and

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<sup>6</sup> One of these amendments was “the 60 percent supermajority it set for confirmation of cabinet officers, a number that suggests that the objective was to ensure that both partners of the Pact had to approve an appointment” (Close, 2012, p. 59).

legislative system of alliances and pacts that incorporate extremely conflicting ideologies, interests and parties. Although the Pact “does not bind the two parties to always vote alike [...] the Pact does let the FSLN govern much of the time as if it had a legislative majority instead of three-eighths of the seats” (Close, 2012, p. 61). Knowing that this is a legislative practice will enhance the understanding of what the unanimous approval of Law 717 may imply.

Contemporary politics and rhetoric of the FSLN and of President Ortega have changed substantially from the revolutionary years in the 1980s, when the FSLN was commonly considered Marxist and socialist. Apart from the political pacts with PLC, close ties were also established between the FSLN and the Catholic Church in 2005, in an attempt to renew the party’s image and improve the electoral chances among Nicaragua’s highly Christian population. The most significant demonstration of FSLN’s appeal to gain approval from the Catholic Church, was the support and approval that Ortega and the FSLN gave to the complete abolition of abortion, previous to the 2006 elections, a ban that the FSLN ratified soon after taking office. This rapprochement towards the wishes of the Catholic Church gained the FSLN the approval of the church, of which the majority of Nicaraguans belong. The abortion ban is an example of Ortega’s willingness to make pacts and alliances with actors that were formerly considered his opponents or strong critics (Kampwirth, 2008).

#### **1.4.4 The Feminist Movement and Daniel Ortega**

During the years leading to the revolution, the Sandinista movement and the FSLN counted in their ranks both men and women. Within the armed forces, women constituted around 30 percent of combatants (Kampwirth, 2011, p. 4). In addition, women’s revolutionary participation was also non-combatant. Many women participated as couriers, provided food, healthcare, and shelter for fellow combatants.

After the Sandinista victory, many of these women organised themselves in order to lift their gendered agendas into national politics. Literacy programmes, and health brigades were established, and gathered both men and women. Those were victories of great importance to improve the lives particularly among the rural population. With the outbreak and continuation of the Contra War, issues such as reproductive rights and gender equality were pushed off the agenda and often considered a lesser priority.

The separation of what was perceived as women's interests from what was considered national interests led to a gradual split within the Sandinista feminist movement. The most prominent women's organisation within the Sandinista network, AMNLAE (Luisa Amanda Espinoza Association of Nicaraguan Women) stayed loyal to the FSLN and to some extent accepted having their particular gender interests put on hold (Kampwirth, 2011, p. 8). Other feminist organisations and unions, such as the Women's Secretary of the Rural Workers' Organisation (ATC), took a more radical feminist standpoint.

“At the same time as the women of the [ATC] Secretariats insisted that the war could never be won without more gender equality, the women of AMNLAE accepted an ever more subservient relationship with the FSLN, on the grounds that the war could never be won without softening demands for gender equality, at least temporarily” (Kampwirth, 2011, p. 8).

When the FSLN was voted out of power many feminist groups shifted their focus from being an integrated part of the Sandinista revolutionary project to acting as autonomous interest groups. Now they were seeking to influence state politics of which they were not an integrated part. This allowed them to formulate more freely agendas of their own. The experience and knowledge that many feminists had gained through their involvement in the Sandinista revolution provided them with a foundation for effectively establishing new autonomous movements (Kampwirth, 2011, p. 10).

Although the 1990s provided the feminist movements with a lot of freedom to develop independently, government politics had serious impacts on many feminist agendas, both in progressive and restrictive terms.<sup>7</sup> The split between Ortega and autonomous feminist movements increased towards the end of the 1990s. This was due mainly to three factors: 1) the corruption of justice concerning the molestation accusations against Daniel Ortega; 2) the Pact between Ortega and Alemán; and 3) the FSLN's role in banning all forms of abortion, including therapeutic abortion. When Ortega's stepdaughter Zoilamérica Narváez accused him of having raped and sexually molested her, a large part of the feminist movement

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<sup>7</sup> A positive example is the establishment of police stations for women, with specially trained officers to receive women and children that suffer from gendered violence. In contrast to that, the new government's conservative family values dominated social programmes. In schools, the curriculum was changed to reflect these gendered values, and sex-education was scrapped from the program.

demanding that Ortega should stand trial for those crimes. The Pact, which was signed one year later, further increased the lack of confidence between many feminists and Ortega. The FSLN's active role in the criminalisation of abortion exasperated the divide. Many feminists expressed fierce resistance and criticism towards the Law, and advocated for reproductive rights. In 2008 Ortega and the First Lady and Minister of Information Rosario Murillo<sup>8</sup>, accused several women's organisations of money laundry, and carried out searches of their offices and confiscated computers. Conversely, social movements and feminist groups that had not raised criticism towards the new politics of the FSLN did not suffer repression.

The split between many feminists and Ortega has taken place both on a level of political disagreement, but also on a personal level. As many of the feminist leaders have been devoted Sandinistas, oftentimes as an integrated part of the FSLN, and collaborated closely with Ortega, their critique take on a personal aspect too. Ortega and Murillo have been outspokenly critical towards feminists and feminist agendas. In a letter addressed to many feminist organisations, Murillo refers to feminists that have a different opinion than herself in this matter as 'proponents of evil':

"The distortion of feminism, the manipulation of its struggles, the distortion of its contents, the derangement of its principles to the Cause of Evil in the world, is undoubtedly an act of treason, premeditated and cruel, from women's personal and collective true interests. [...These feminists] have no respect for the culture and the collective soul of the people" (Murillo, 2008) .

At the same time, they have taken steps towards greater gender equality. In local elections, women and men have equal representations as either major or vice major. These fine lines between anti-feminism and pro-equality are some important factors that the rural women's movements have had to be aware of and take into consideration in their strategies for land.

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<sup>8</sup> First Lady Rosario Murillo has held several titles since 2007: e.g. the government's lead spokesperson and the communications coordinator of the CPCs. She presides over cabinet meetings and makes most of the government's public pronouncements (Salinas, 2015).

## **1.5 Organisation of the Thesis**

The thesis is divided into five chapters, of which the first gave an introduction to Law 717, the research question, the incentives for women's land tenure, and the specific conditions that surrounded the process from grassroots incentives to legislation.

The second chapter accounts for the choices of research methods, and the advantages and disadvantages of the chosen methods. It will provide information on the interview selection and the conditions and challenges connected to the conduction of the fieldwork.

Chapter three outlines the concepts and theories that provide the basis for the structuring of the fieldwork and for the analysis of the data. This chapter draws on multiple sources and perspectives, including practices and discourse on women in development, distinctions between rights and needs, strategic and practical gender interests, invented and invited spaces of participation, tactics and strategies, concepts of empowerment, womanhood and agrarian politics.

The analysis of the data will be presented in chapter four. It is divided into three sections, each addressing the three different research questions.

Chapter five offers a conclusion and answers to the main research questions.

## **2 Methods**

This chapter will account for the choices of methods regarding the research. As Gary King notes “The most important rule for all data collection is to report how the data were created and how we came to possess them” (George & Bennett, 2005, p. 106). The investigation of why Nicaraguan rural women successfully achieved legislation in favour of land tenure is a case study which in this thesis is approached through methods of qualitative research.

### **2.1 Qualitative Research**

Qualitative research is the dominant, although not the only, type of methods associated with case study investigation. Since the focus of the investigation is the process resulting in Law 717, rather than a direct causal analysis, qualitative research methods have been selected for this thesis. This is a choice supported by Denzin and Lincoln’s comparison between qualitative and quantitative research:

“Qualitative researchers stress the socially constructed nature of reality, the intimate relationship between the researcher and what is studied, and the situational constraints that shape inquiry. They seek answers to questions that stress how social experience is created and given meaning. In contrast, quantitative studies emphasize the measurement and analysis of causal relationships between variables, not processes” (Denzin, 2000, p. 11).

### **2.2 Case Study**

The case study is an opportunity for the researcher to do in-depth investigations of a specific occurrence, since it allows for a better understanding of the underlying mechanisms behind the phenomenon studied. It can give a more holistic knowledge of a phenomenon. “The product of a good case study is insight”

John Gerring defines the case study as “the intensive study of a single case for the purpose of understanding a larger class of similar units” (Gerring, 2007, p. 7).



Robert E. Stake classifies the purpose of the case study a little broader, by identifying three types of case study: intrinsic, instrumental or multiple. Intrinsic case study is undertaken because the “case itself is of interest” (Stake, 2000, p. 445). Instrumental case study primarily seeks to provide insight into an issue or redraw a generalization, and the case “plays a supportive role, and it facilitates our understanding of something else” (Stake, 2000, p. 445). Multiple case study is instrumental study extended to several cases. Stake acknowledges that most studies do not fit neatly into these categories, but that they may be useful for thinking about the purpose of the case study. Similarly this thesis can be classified as both intrinsic and instrumental, intrinsic in its research, only claiming internal validity, but with the ambition to be instrumental for further agricultural gender equality initiatives.

“Intrinsic designs aim to develop what is perceived to be the case’s own issues, contexts, and interpretations, its “thick description.” In contrast, the methods of instrumental case study draw the researcher toward illustrating how the concerns of researchers and theorists are manifest in the case” (Stake, 2000, p. 450).

This thesis takes its starting point in intrinsic designs, but by applying a conceptual framework for analysis, locates the case in a context where it can also function as an instrumental study.

### **2.2.1 Disadvantages of the Qualitative Case Study**

One disadvantage of the case study method is that it is prone to selection bias (George & Bennett, 2005, p. 22). This regards both the choice of case and the sources of information. It risks merely being an account of what some interviewees tell rather than being representative of the case itself. The interviewees may have specific agendas, and could be inclined to present a message or a picture that they want spread, rather than ‘the whole picture.’ As a researcher, it is easy to adapt the perspective of the interviewee, and not properly investigate the reliability of what she is telling.

The same selection bias and challenges to internal reliability applies for the case. The framing of the research may be adjusted to what kinds of sources are available rather than what information is relevant. The basis for the specific case selection is another problem to be aware of; on what grounds do you choose one particular case? Is it primarily to analyse the

particular case itself, or to provide information that is relevant for a broader understanding?  
As George and Bennett describe;

“[It is a] tension between achieving high internal validity and good historical explanations of particular cases versus making generalizations that apply to broad populations” (George & Bennett, 2005, p. 22).

Another weakness in regard to the case study’s reliability, to be aware of, is that equifinality may not be properly tested for. Even if the dependent variable was caused by the conjunction of the independent variables A, B and C, this conjunction may not be the only factor that causes this particular outcome (George & Bennett, 2005). This thesis may conclude that the causal factors that resulted in the Law 717 were dependent on one, or a conjunction of, variables, but without a cross-case, or quantitative comparison, it may be very difficult to rule out that the Law 717 could not have been achieved thanks to completely different tactics and strategies. Simply put, the disadvantage of researching only one within-case, is that the findings will only tell what caused the outcome, (or even just explain what *some* casual factors were in this particular case).

It is my intention that this particular case study could function as a contribution for future comparative research. The objective in this particular research however, is to investigate and analyse the causal variables that explain why Nicaraguan rural women’s quest for land resulted in the Law 717.

### **2.2.2 Advantages of the Qualitative Case Study**

One major advantage of the qualitative case study is the researcher’s openness for allowing the interviewees, and other sources, to give an insight into the situation and different aspects of the process that is studied, allowing for a more nuanced understanding than quantitative research might provide.

The qualitative nature of this particular case study has contributed to gain a greater understanding of the political context in Nicaragua and how social movements can influence decision-making. This in-depth analysis is important in order to know what variables to test for in future studies, both of qualitative, comparative and quantitative natures.

## 2.3 Semi-structured interviews

When conducting one-on-one interviews three main distinctions in methodology can be defined. One is the structured interview, when all questions to be asked are decided on beforehand. The great advantage of this method is that both the internal and external reliability is established. (It is easier to repeat the study with the same results, and to compare it to other cases). The interview answers can easily be categorised, compared and analysed.

On the other side of the spectre is the unstructured interview. These interviews have the advantage of giving the researcher a very thorough understanding of the topic, and really take the opportunity to learn from her interviewees. The disadvantage is that the information from the different interviews may be difficult to compare and generalise upon.

A middle way between these two methods is the semi-structured interview. The same core set of questions is asked to everyone, but at the same time the researcher can be flexible to what actual answers are given, and have an opportunity for follow-up questions. It is thereby easier to adapt the interview to the characteristics of the person that is interviewed, and her particular knowledge and experience. The disadvantage, like the unstructured interview, is that a lot of information may be presented; interviews may be long, take time to transcribe and to organise in a manner that make them suitable for comparison. Another disadvantage is that the information they provide may have made some questions unnecessary to ask, but still have not addressed the question from the perspective that the researcher sought to find out about. The semi-structured, and the un-structured interview-format are more prone to become thematically sidetracked. Despite these disadvantages the richness of information and the reduced risk of limiting the answer options, (as can easy be the result of surveys), makes this approach more plausible for this specific research topic.

Prior to the interviews, I did a test interview with a couple of politically active Nicaraguans who then assisted in the improvement of the questions, both linguistically and conceptually. Their contribution helped to formulate the questions in settings that are relevant in the Nicaraguan context. It also reduced the risk of overseeing what may be considered as obvious or universal facts or processes, or phrasing the interview questions in a vague or ambiguous manner.

I chose to use semi-structured interviews because I perceived them to be the most efficient means of bringing forward the interviewees' interpretations of the proceedings to the ratification of Law 717.

### **2.3.1 Interview Selection**

In finding interviewees I used snowball-sampling, asking interviewees and contacts made, to recommend me to other people (Scheyvens & Storey, 2003, p. 43). This method was efficient in getting in contact with people, and creating the point of reference that opened those doors. An implication of the snowball-effect could be that when one interviewee provides the contacts to another, their political opinions and perspectives may be very close to each other. For this particular research, the ambition was to investigate the process from the activists' point of view, and although measures have been taken to interview representatives from different organisations, the very characteristic of the interviews is that they have fought for, or in other way supported, the same cause. What can be considered a disadvantage of the snowball effect in some research, actually worked as an advantage in this particular case. The benefits of this method outweigh the implications when working within a limited timeframe. To counterweight this potential weakness in choosing whom to interview among possible candidates, I aspired to have informants from different networks in order to achieve a varied and more comprehensive picture of the process.

Fourteen people were interviewed during my five weeks of fieldwork in Nicaragua. The interviews were approximately one hour long, and recorded. Some interviews have provided more crucial information for the research in this thesis, and are thus cited for analysis more than others. The respective interviews are referred to in the methods chapter as key informants. All informants are represented with aliases to protect their identity, but with their organisational belonging.

**Table 2.1.**

<b>Informant Alias</b>	<b>Organisational Belonging</b>	<b>Occupation</b>	<b>Interview Date</b>
Sobeyda (key informant)	CMR	Organisational	21.03.2012
Elizabeth (key informant)	ATC	Organisational	15.03.2012
Diliana (key informant)	ATC	Farmer	22.03.2012
Sofia	OXFAM	Organisational	05.04.2012
Oneyda	ATC	Organisational	23.03.2012
Isabel	CMR	Organisational	04.04.2012
Alicia	CMR	Farmer	04.04.2012
Marta	CMR	Farmer	04.04.2012
Yaneira		Journalist	02.04.2012
Manuel	CODER	Farmer	29.03.2012
Cornelia	FSLN	National Assembly Deputy	13.03.2012
Rosario	FEMUPROCAN	Organisational	08.04.2012
Rosalpina	FENACOOOP	Organisational	03.04.2012
Doris	PRODUZCAMOS	Organisational	04.04.2012

Five of the interviewees were not associated with the activists. One was a member of another rural social movement; one was a journalist with in depth knowledge of the struggle for the Law. Another was a deputy of the National Assembly, who had voted in favour of the Law. One was an official at the bank PRODUZCAMOS. The interview at PRODUZCAMOS was not scheduled; I just turned up. The bank has been very inaccessible to receive the activists, and I am aware that I was clearly benefitted by my white and European privilege when managing to achieve the interview. However, as an official, it seemed clear that she did not want to be recorded and since she was not prepared for the interview, I did not ask her to be recorded, nor did I strictly follow my interview guide. A fifth interviewee was related to the cause by running a similar campaign in a similar organisation, which had donated money to CMRs advocacy. The others were either leaders or active members of CMR or its partner organisations.

In order to further contextualise my understanding of Law 717 and the social mobilising prior to it, I consulted a range of people who are politically active, or could be potential candidates for the loans, on their views, expectations and experiences of Law 717 and the scope of influence they believed that the Law could have. These persons were consulted in addition to the formal interviews, but within the same period of time. The sessions took place in an informal manner, and no recordings were made.

### **2.3.2 The Interview Situation**

I began the interviews by presenting the aim of my research, to investigate the realisation of this particular Law, and explain that it was research for a master thesis. The interviewees were informed that their identities would not be revealed, and that they could withdraw from the interview at any time (Scheyvens & Storey, 2003, p. 142 pp.). All but one of the interviewees were women, and all but one were born and raised in Nicaragua. The only one who was not born in Nicaragua was an immigrant who had spent the major part of her life in the country. Most interviews were carried out in the offices or meeting places of the interviewees. Being in their spaces, contributed to make the interviewees comfortable.

#### **Language**

All interviews were conducted in Spanish, which is not my first language. I had no interpreter, and was not accompanied by anyone during the interviews. This means that there were probably references and points made, of which I was not receptive of, and some opportunities to ask the relevant follow-up questions were probably lost. In order to reduce that risk, I always finished the interviews with asking if there was something else they wanted to add, that I should have asked or that they wanted to clarify. Some took the opportunity to add information, others not. All interviews have been transcribed in Spanish. I have only translated into English the quotes that appear in the thesis.

Even though the research topic is not particularly sensitive, I have chosen to keep the names of the interviewees anonymous. Several of the interviewees are leaders, and have expressed their opinions publicly in many instances. They could as well have appeared with full names. Some on the other hand, were very cautious of venturing any kind of political critique, and made sure not to be recorded while saying anything controversial. At times I was asked to turn off the recorder when the interviewees were saying certain things, mostly when raising

criticism to current politics and practices, or lack of initiatives, by Ortega-Murillo<sup>9</sup> or the FSLN.

### **2.3.3 Validity and Reliability**

All the informants are to different degrees in favour of the Law, either as activists and proponents, or in other ways. Nobody raised criticism towards the objective of seeking the state's support in helping rural women obtain land of their own. Most criticism raised regarded the fact that the Law had not yet been implemented, or in other ways was not expected to be effective enough. Thus, since all the interviewees in this study expressed some kind of support for the Law, and for its advocates, it does of course affect the result of the study. On the other hand, as one of the interviewees expressed it, the Law is not controversial, at least not among National Assembly members.<sup>10</sup>

To increase the validity of the thesis I have pursued a triangulation strategy for multiple sources for data collection. Triangulation “reflects an attempt to secure an in-depth understanding of the phenomenon in question” (Denzin, 2005, p. 5). The interviews constitute the foundation for this investigation, but supportive data also include the law proposal and the Law itself, and articles and books that contextualize the political environment in Nicaragua. This has increased the quality of the findings and the study's validity and reliability.

## **2.4 Epistemological Positioning and Situated Knowledge**

Most of the academic references used for this thesis are written by non-Nicaraguan and mostly non-Latin American scholars. Even though some scholars, such as Karen Kampwirth, have thorough in-depth knowledge of Nicaragua, many others are scholars from very

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9 Ortega-Murillo refers to the close collaboration between President Daniel Ortega and Rosario Murillo.

10 When asked about what challenges they met, and whether they met resistance many pointed out that there are not many who oppose landless farming women in obtaining loans in order to buy land.

different backgrounds. This is not necessarily a problem, but still a fact that is relevant to keep in mind.

There are two main reasons as to why I have not consulted more Nicaraguan scholars and articles for this thesis. Firstly, I choose theories and articles based on their content and their applicability to this particular case, rather than basing the selection on who the actual researchers are. Secondly, information in English is more accessible to me than information in Spanish. The language bias carries the risk of ‘looking through Western Eyes’ on the Nicaraguan women, and remain distanced in the analysis of the case that has been researched (Mohanty, 1988). On the other hand, as McEwan (2001, p. 101) points out, there is no guarantee that national representation equals fair representation. Problems of representation occur as much within countries as between countries.

Throughout my field work, and my writing I have remained aware of this challenge, and sought to come as close as possible to the reality that my interviewees shared with me, but at the same time making a distinction between understanding and adapting their truths. This distancing has been important in order to have sufficient clarity to analyse the data in an academic manner, rather than simply accounting for how and why Law 717 was achieved.

Buckingham-Hatfield (2000, p. 25) encourages researchers to clarify their epistemological positioning by explaining one’s point of departure. I am a Swedish citizen, pursuing a master degree at a Norwegian university. I have an urban background and lifestyle. I am white, and therefore benefit from certain privileges of ‘racial affirmation’. These are some aspects that shape my point of departure. Another factor is my previous experience with Nicaragua, and its rural setting.

I first came to Nicaragua in 2008 and spent seven months living with a family in the countryside. I returned in 2009 to work with programme coordination between a Swedish solidarity organisation and a Nicaraguan agricultural organisation. This assignment lasted for a year. These experiences formed my interest for the country and for rural and agricultural politics, feminism and social movements. When it was time to write my thesis Law 717 caught my interest as it provided an opportunity to investigate these topics.

Research always carries the risk of being influenced by the researcher’s own previous knowledge, experiences and values. Feminist discourse regarding research methods has shed light on the significance of being aware of one’s situated knowledge. Situated knowledge, or



positionality, seeks to make us aware of that “it is the position from where you see which will determine what you see” (Buckingham-Hatfield, 2000, p. 28).

All knowledge, and all understanding, is tinted by the previous knowledge, experiences and values of the person. People are always subjective, thus it is not correct to claim objectivity. Feminist objectivity, on the other hand, “means recognising where you are seeing from and acknowledging that your knowledge can only ever be partial” (Buckingham-Hatfield, 2000, p. 28).

In conducting my research on women of different contexts than my own, I have sought to be aware of my situated knowledge, as well as receptive of theirs, and to challenges of representation. There is a long tradition within Western academia of researching, describing and analysing non-Western people and societies. Much research has reflected the researcher’s perception of ‘the other’, often a biased, prejudiced and simplistic one, yet claiming to be an objective representation. Edward Said terms this orientalism; when Western portrayal of non-Western people is influenced by, serves and perpetuates colonial and racist ideas (Said, 2003).

In her influential article *Under Western Eyes*, Chandra Talpade Mohanty (1988) problematized how Western academic feminists tend to view the 'third world woman' as backwards, passive, victimised, domestic and uneducated. She criticises Western feminists for being oblivious of the feminist movements in other parts of the world, and how their local and contextual experiences of for example colonialism have shaped their realities, struggles and solutions in different ways than the western experiences.

Mohanty argues that Western feminist discourse “defines third world women as subjects outside of social relations, instead of looking at the way women are constituted as women through these very structures” (Mohanty, 1988, p. 80), i.e. as persons of complex identities, loyalties and political priorities, which cannot be assimilated into the Western feminist analysis.

“What is problematical, then, about this kind of use of 'women' as a group, as a stable category of analysis, is that it assumes an ahistorical universal unity among women based on a generalized notion of their subordination” (Mohanty, 1988, p. 72).

As a result, postcolonial feminism demands that when Western academics conduct research on women of the global south, they ought to be perceptive, both to the situated knowledge of them, (the studied ones), and to the situated knowledge of the researcher herself. The researcher must remain aware of the privileges that she/he, as a Western researcher, has. For Western feminist researchers to stop perceiving non-western women as ‘the other’, Gayatri Chakravorty Spivak argues, they need to be open to learn from this ‘other’.

“Western feminism need to stop seeing their privileged position in the world as a privilege, but rather see it as a limiting position [...] which deprive them from a range of other knowledge, the ‘other’s’ different knowledge” (Jegerstedt, 2008, p. 99, my translation).

The objective is not for Western researchers to cease research in the global south, but to carry out their research with awareness and sensitivity for both the researcher’s and the researched person’s situated knowledge.

Donna Haraway (1988) argues that the object of research is to participate in the knowledge production. This thesis can contribute to the knowledge production of the advocacy and influential factors that resulted in Law 717, by investigating the process from the perspective of the activists.

As a white, Scandinavian university researcher in a developing country, I have tried to be aware of this fact when conducting the research. I cannot guarantee that I do not fall into the same trap, but by accounting for my point of departure, and by using feminist postcolonial research methods I aspire to do the people and processes that I have researched justice.

### 3 Conceptual Framework

This chapter will introduce the tools and concepts that will be used to analyse my data. The conceptual framework is divided into five main sections. The first section investigates the discourse and practice of agrarian development and women focused development policies. In the second section a discussion of the characteristics and the purposes of gender interests will help to understand both why Nicaraguan rural women wanted land ownership, and why they decided to pursue it at this particular time. The concept of practical gender interests and strategic gender interests will be introduced. The third section will introduce the concept of invented and invited spaces of participation. This division will contribute to better understand what conditions for participation the activists were operating within. This concept will be applied when examining how the women formulated their agenda. The fourth section explores notions of empowerment and womanhood. The politics of land ownership will be discussed in the final section. It also discusses the different meanings and approaches of land reform and land distribution.

#### 3.1 Women, Development and Land

Women-oriented international development has gone through transformations in how women's problems and solutions are interpreted and approached. Ever since the revolution Nicaragua has been a receiver of a great amount of aid and development support, both bilateral and through NGOs (Non-Governmental Organisations) that run programmes and projects or support local organisations. When understanding the context both of Nicaraguan state politics and of social movements it is important to understand their relation to international development discourse and practice.

In the 1970s, many of the international development initiatives directed to women addressed the *results* of poverty such as malnutrition and deficiencies in maternity health. Increasingly the understanding of poverty and discrimination has incorporated an analysis of the *causes* for poverty and discrimination, and a critical analysis of power.

“Since the widely acknowledged crisis, or ‘impasse’, in development studies in the mid-1980s, it is recognized increasingly that development is about power – its

operations, its geographies, its highly uneven distribution and strategies for achieving it. The analysis of power is therefore central to contemporary development studies” (McEwan, 2001, p. 93).

Poverty and gender inequality is not only defined by the lack of economic resources, but also the lack of power. This change has been reflected in much discourse in terms of talking about rights. While the 1970s saw a focus on women’s *needs*, the late 1990s and onwards has brought a focus on women’s *rights* (Cornwall & Molyneux, 2006, pp. 1175-1177).

This shift correlates with a broader shift in development praxis from aid or assistance to sustainability. Sustainable development initiatives aspire to address problems in a long-term perspective, and in a manner that will shift structures, rather than constrain themselves to address only immediate problems.

Terminology such as ‘helping women (or other target groups) to help themselves’ has gained increased resonance during the last 20 years. People were encouraged to be more in charge of their own life, in which employment, particularly women's employment, was considered a viable recipe to escape poverty and subordination. Ever since ambitions of empowerment and emancipation in development has increasingly stressed rights, education and entrepreneurship. An example of this is microcredits and micro-businesses, which gained global recognition through the work of, and the Nobel Peace price to, Muhammad Yunus and the Grameen Bank in 2006.

“A gender and development approach recognizes gender inequality as a relational issue, and as a matter of structural inequality which needs addressing directly and not only by women, but by development institutions, governments and wider society” (Chant & Sweetman, 2012, p. 518).

Chant and Sweetman do not consider the increasing focus on rights in international discourse to be apparent enough in praxis.

“Comparatively few have genuinely shifted their policies and missions to reflect a concern for more holistic ideas of human development [...], rights-based development, or notions of human well-being and happiness” (Chant & Sweetman, 2012, p. 518).

The Nicaraguan rural women and the state have created Law 717 with regard to their own local and national context, and surely have their own analysis of what kind of development they want to achieve in Nicaragua, the ideas, and the solutions that the CMR and the state envision for themselves. However, international development discourse and policies have increasingly moved to a similar take on these issues in recent years, which might have been of relevance to the Nicaraguan context.

Cornwall and Molyneux emphasise the extent and importance of gender analysis in many global contexts; “There has been enormous progress on ‘mainstreaming’ gender equality concerns into development since the United Nations Decade for Women (1975-1985)” (Cornwall and Molyneux 2006:1175-1177). The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), from 1981 was a result of these progresses. Nicaragua ratified the convention the same year, and is one of 188 states to have done so. Article 14 has particular significance for the equality of rural women. By signing it Nicaragua has agreed for all women:

“to have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes” (CEDAW, 1979, Article 14 (g)).

All countries signing the CEDAW have agreed to address gendered inequalities on a structural level. Whether the structures are predominantly regarded as results of underdevelopment, rather than results of unequal distribution of resources, can be disputed. The two perceived solutions to poverty; either through development initiatives, or through equality in distribution of resources, are not contradictory, but they imply differences on how to look at the origin of poverty. To talk about development often gain a broader resonance from a wide spectre of political or economic strands than do arguments in favour of regulating who owns what, and how profits are to be shared. The Nicaraguan women’s quest for land can be considered as positive from both perspectives; the development oriented and the one that addresses injustice. Support for Law 717 can be based either as a means to decrease poverty, or as way to promote equality. These two are not mutually exclusive, but as stated above, what is emphasised reflects different reasons to support women’s quest for land.

Even though Nicaraguan women's quest for land is not a development project, the changing trends in development discourse could shed some light on what lines of thinking and what arguments resonated with Nicaraguan current politics.

## 3.2 Strategic versus Practical Gender Interests

Men and women are socialised into gender roles that influence our responsibilities, labour and what is expected of us, and therefore our interests and our needs will differ accordingly. Maxine Molyneux (1985) stresses the importance of distinguishing those gendered interests into practical and strategic ones. Women's practical gender interests are directed to improve conditions in their lives as women but without challenging their gender roles. Women's strategic gender interests are oriented to challenge the power imbalance between women and men and increase women's political influence and power.

Practical gender interests, according to Molyneux,

“arise from the concrete conditions of women's positioning within the gender division of labour. [They are] usually a response to an immediate perceived need, and they do not generally entail a strategic goal such as women's emancipation or gender equality. [...] Practical interests cannot be assumed to be innocent of class effects [...] and] do not in themselves challenge the prevailing forms of gender subordination, even though they arise directly out of them” (Molyneux, 1985, p. 233).

Women's practical interests will always be contingent on other factors apart from women being just women. They are conditioned on their ethnicity, class, location and nationality, if they are rural/urban, levels of formal education, their sexuality and marital status. These contingents will also be important in shaping what kind of strategic interests the women chose to focus on.

Caroline Moser, in her *Conceptual Framework for Gender Analysis and Planning*, (1998) helped establish the concept introduced by Molyneux. She uses the term practical and strategic gender *needs*. Her definition of practical gender needs is

“the needs women identify in their socially accepted roles in society. PGNs (Practical Gender Needs) do not challenge, although they arise out of, gender divisions of labour and women’s subordinate position in society” (Moser, 1998).

Practical gender needs could be regulated working hours, maternity clinics, childcare centres, and clean water. Moser’s definition of strategic gender needs is “the needs women identify because of their subordinate position in society” (Moser, 1998). Strategic gender needs could be the right to vote, affirmative action, equal representation, and legislation against discrimination. This thesis applies Molyneux’s concept of practical and strategic gender interests, primarily because referring to interests implies a more active role, than referring to needs.

Bina Agarwal, in *A Field of One’s Own*, (1994) researched the economic situation for South Asian rural women, and argues that the most important economic factor affecting women’s situation is the unequal distribution of property ownership. She stresses that for most rural populations the most significant form of property is arable land.

Agarwal points out that in pursuing practical gender interests, strategic gender interests can also benefit. For example, when women strengthen their economic security by owning land and housing, they may enjoy a greater level of influence and social status, both within the family and the society. It may increase her level of participation in both of these areas. When women own land and have some level of economic independence and security they can easier comply with their gender roles such as providing for their children, but thereby they also increase their chances of achieving strategic interests (Agarwal, 1994).

Securing land ownership may have effects on women's equality through the organising and achievements themselves.

“Acquiring those rights [...] will require simultaneous struggles against many different facets of gender inequities embedded in social norms and practices, access to public decision-making bodies at every level, gendered ideas and representations, and so on” (Agarwal, 1994, p. 44).

These multiple aspects of fighting for and gaining support for land ownership will be discussed further in the analysis chapter. The women interviewed for this thesis often referred

to multiple benefits both of how they carry out their struggle, and of the effects they expect will accompany women's land tenure.

In Nicaragua, the issue of gender equality in land ownership has been incorporated in a time when selected gendered issues have been met with hostility by the government. In order to investigate why the demand for women's land ownership was accommodated, it is necessary to look into, not only the nature of the women's different demands, but also what rhetoric and strategies were most important in achieving the Law. The analysis chapter will investigate whether the activists' main motives were of practical or strategic gains. It will also investigate which interests they emphasise in their quest for the Law, among themselves and towards policy-makers, if they differed or were the same.

Improvements in women's lives should not be presumed to automatically enhance women's power, emancipation and equality. This leads Molyneux to make the conclusion:

“A state may gain the support of women by satisfying either their immediate practical demands of certain class interests, or both. It may do this without advancing their strategic objective interests [such as emancipation] at all” (Molyneux, 1985, p. 235).

In the context of Nicaragua, this could mean that even though the women want to advance their gendered position, the state can fulfil their quest for land without sharing this intention.

### **3.3 Invented and Invited Spaces of Participation**

Faranak Miraftab illustrates how citizenship is practiced in a wide range on the grassroots level. She differentiates between invented and invited spaces of participation. Invented spaces of grassroots organising challenge the status quo and operate autonomously. Invited spaces are initiatives that have the approval and backing from state or government agencies or NGOs and aid donors, what Miraftab (2004, p. 4) describes as “officially sanctioned channels.”

“Within the invented spaces [...] grassroots actions are characterized by defiance that directly challenges the status quo: in one space strategies of survival are sought within



the existing structural system [the invited spaces], and in the other resistance is mounted to bring it down [the invented spaces]” (Miraftab, 2004, p. 4).

These two categories are oftentimes interacting to various extents, and should not be seen as mutually exclusive. The categories serve to make a clear distinction between the different natures of various organising. The same group can at different stages operated within invented and invited spaces of participation. Miraftab argues that it is important for policy-makers, media and researchers to recognise and include the mobilisation within invented spaces, in policies, media coverage and research.

“In this neoliberal moment, when relations between the state and civil society are central to the project of state legitimization, it is particularly important to formulate an inclusive definition of the informal arena of politics” (Miraftab, 2004, p. 1).

Within the invited spaces of participation lies a risk of inefficiency to address structures and tackling causes for different hardships. Invited spaces risk being a means for policy-makers to appear democratic, without actually being so. The marginalisation of civil society can take shape by inviting to participate in decision-making, but without leaving space for real influence. They create spaces of *representation* rather than *participation*. Miraftab suggests that sometimes making grassroots activists appear as if they are participating is actually a means of preventing them from gaining real power. Sometimes grassroots advocates accept these conditions as they believe that being present within the invited spaces of participation will allow them to influence to some extent, and be more successful in achieving their goals, and sometimes they refuse the invite as they believe they can achieve the most change when acting outside the system.

Whether the most effective way for feminists to organise is autonomously or within the already established and invited spaces, has been an on-going discussion between feminist activists and within academia (Cornwall & Molyneux, 2006). Seeking dialogue and collaborating with the state, and within invited spaces can have the benefit of resulting in progressive legislation and rights. The challenge is to not be co-opted, to settle for less, or to direct too much energy into gaining policies that may not result in sufficient change.

Andrea Cornwall and Maxine Molyneux also address the dilemma of whether to work within, alongside or outside the state:

“Feminists increasingly question whether so much effort should be dedicated to working in these arenas [the invited spaces] when the tangible results appear so meagre” (Cornwall & Molyneux, 2006, p. 1185).

The benefits of autonomous, invented, organising is that results can be concrete, (e.g. in running women’s shelters or occupying land), or change the norms and knowledge in society, which will form a sound foundation for the actual realisation and application of the legal rights that women may have. The disadvantage of autonomous organisation is that it may not lead to improved legislation, and wider policy changes, and may even be met with repression. If the aim is to dismantle the underlying structural causes for certain problems, it may be more difficult to achieve reforms. When the aim is to address the effects of these problems politicians may be more willing to grant reforms.

Jaco Roets gives examples from South Africa of how participation tends to be seen as visiting, consulting or participating in invited spaces such as NGO’s providing different services. He sees it as problematic that the encouraged participation invited spaces over invented spaces do not encourage citizenship and democracy, but rather a passive form of participation.

“Citizens are seeing participation mainly as going to the invited spaces that government and NGO’s, civil society created for them. Therefore, when citizens speak it’s coming to a space that has already been formalised. And basically the idea is please come and tell us what you want and we will see what we can do for you” (Roets, 2011)

According to Roets, it is a common perception that the invented spaces are a form of increasing democracy. Advocacy for fixing and expanding the invited spaces, in order to involve more people consider this as the kind of grassroots mobilisation that enhances democracy. Roets wants us to be aware of the risks of this development.

“It is more difficult to understand the organic and sometimes even explosive invented spaces. As NGO’s, as civil society trying to understand what is really happening at grassroots levels we need to look more into these spaces that are harder to understand, more vibrant, not perfect in any way, but I think a better indication of what is happening at the ground” (Roets, 2011).

Miraftab (2004) similarly argues that the distinction between invented and invited spaces of citizen participation is an important one to make. When the difference is not acknowledged the tendency is to only recognise citizen participation within the invited spaces. Academics, NGO's, governments and media tend to reward participation within invited spaces, and ignore the invented spaces of participation, not giving them adequate response and importance.

The concept of invented and invited spaces will help to understand what the participatory space for the rural women when lobbying for the Law was. As the conditions for political participation is increasingly institutionalised in Nicaragua today, Miraftab's distinction will help to understand the specific circumstances of the rural women's participation. The analysis chapter will argue that the women began their mobilisation and organisation from an invented space. After repeatedly having invited themselves to policy-makers, the successively gained access to the invited spaces. This development had consequences for the women's political opportunities of manoeuvre.

### **3.3.1 Tactics and Strategies to Challenge Power**

Michel de Certeau (1984) categorises people's means to change their situations into either *tactics* or *strategies*, depending on their place in the economic hierarchy. People in power use *strategies* in order to maintain, or expand, the structures and mechanisms in society that continue to grant them power over others. Since they define and control spaces, such as the workplace, city planning and production of consumer goods they also seek to control the people.

The people, who do not have power, and who exist in these spaces that are controlled and created by the people with power, the workers, may not be able to change the core structure of society/their workplace/the production. However, they can rebel in their own way against the power. It can be small causes, either political, or just expressing their individuality and creativeness within the spaces who only want from them to act as labourers or consumers. They use *tactics*.

One tactic is taking control over one's own time. One may be in the workplace, but pretending to work while in fact, thinking/creating/doing something artistic, creative or fun;

something that is not aimed at profit, or can be classified in the consumerist duality of producer-buyer.

People in control apply *strategies* since they, as masters of spaces, can allow for long-term planning. People who do not control these spaces, and therefore are more dependent on opportunities to arise in order to express their artistic, political or other creative initiatives use tactics. They do not use spaces fully as intended by the ones who control them. “A tactic is an art of the weak” (Certeau, 1984, p. 37).

De Certeau refers to this practice, or tactic, as *la perruque* (the wig), she/he uses her time according to her own creative individual desires, but under the disguise of working for her employer. In relation to the CMR, *la perruque* could imply adhering to the gendered labour roles that appeal to Ortega and others, while in their own space and time, devote themselves to other things. De Certeau’s distinction of tactics and strategies also requires us to distinguish between if the women ‘were in’, i.e. had some access to power, and were able to influence, or if they ‘were out’, i.e. had to appeal to the powerful, but not demanding it.

There are two kinds of struggles. One can either look at what opportunities are present and choose a struggle that seems likely to gain approval from the powerful, ‘making do’ with what is available. Or you choose the struggle for what you most of all want, independently of how it resonates with the powerful, and independently of what the prospects of success actually are, - not making do. If the second alternative does not result in material gains it can still be successful in making a point or open up for public discussion.

De Certeau’s terminology will be used in the analysis chapter in order to interpret to what extent the CMR is ‘making do’, out of the means available, (using tactics), in the Nicaraguan political climate. Within the politics of the FSLN are windows of opportunities to shape the political agenda to favour rural women’s interests. De Certeau’s theories can assist in interpreting the political relationship between CMR and the state.

De Certeau’s definition of tactics will further assist the analysis of how the women beheld to different notions of empowerment and womanhood. If they turned gender-specific conceptions of womanhood that normally restrain and limit women, to their advantage in their rhetoric, then they were using tactics and making do of conditions that had been established by others.

## **3.4 Rhetoric and Strategies for Equality**

This section will explore how notions of womanhood and empowerment shape concepts, rhetoric, strategies and policies for equality.

### **3.4.1 Notions of Womanhood and Women's Altruism**

Molyneux and Cornwall (2006, p. 1187) encourage us to observe, “whose notions of womanhood come to be embodied in the process of framing and claiming rights.” They show how propagating women's issues, and women's interest is not in any way limited to a feminist analysis, but that conservative and religious interests of establishing or preserving traditional gender roles are manifested in rhetoric of women's interests.

“Antifeminist interests have gained ground in many countries as religious conservatives have mobilised around arguments for a re-moralisation of society, in which idealised representations of a ‘traditional’ home and child-centred womanhood are key signifiers” (Cornwall & Molyneux, 2006, p. 1187).

There are risks of tactically emphasising traditional gender roles, and to argue that women need help and assistance in their roles as mothers/widows etc., when the true goal is to achieve empowerment and strategic interests. Although specific benefits may be gained with this line of argumentation, it may unintentionally result in a strengthening of interests that seek to encourage women to comply with traditional gender roles rather than gaining emancipation and equality. In a short-term perspective women may gain what they want, which may be fundamental needs, such as childcare, drinking water, widow pensions etc. In the long run, the risk is that these extremely important advancements are given to them because of their gender roles, and not because of their human rights, and not with any ambition to challenge the structures that caused the situation in the first place.

Based on these implications the analysis chapter will include an investigation of the rhetoric surrounding the making of the Law. This will be used to establish what notions of womanhood were important in order to establish legitimacy for Law 717.

A common perception and expectation of women is that they are more inclined than men to take care of the nature. Cecile Jackson (1993) shows how women are seen as caretakers in

closer relationship with the earth and on these grounds are considered particularly qualified for jobs, or to benefit from development projects, aimed at preserving natural resources. This is a perception that Jackson challenges. Her main argument is not that this is not the reality, rather that it is social rather than biologically situated, and that different gendered labour create different gendered interests.

“It is often held that women know more than men about the environment because of gender divisions of labour which assign women to many of the reproductive tasks which brings them into daily contact with fields, forests and rivers. [...] Women’s knowledges, however, cannot be considered in isolation from men’s for there are variations in who acquires what knowledge. [...] Knowledges are manufactured and expressed through social processes, and therefore reflect gender relations” (Jackson, 1993, p. 1952).

Since women often carry out reproductive tasks, they are presumed to be more prone to care for environmental sustainability, as it is often within women’s work interests to preserve the continuity of resources.

Just like Jackson, Bina Agarwal (1994) also shows that if women do not have private property but benefit from communal assets, they are more concerned to take care of these resources. Thus, gender roles not only establish behaviour and labour, but also concern, needs and perspectives.

However, gender roles differ between regions, and therefore the way men and women behold to nature will also be contingent on their different gendered labour and responsibilities. To presume that women are more altruistic when it comes to natural resource management and agriculture is to take gender presumptions for granted. Jackson questions the very concept that women should naturally, or even socially, be more inclined to altruism than men, and she opposes the idea that policies and development initiatives should be based on these presumptions.

“The quality of “altruism” attributed to women, which is “revalued” by WDE [Women in Development and Empowerment] discourse, can be seen as symptomatic with powerlessness, the inability to exercise self-interests (despite objective evidence for discrimination against women) and ideological domination” (Jackson, 1993, p. 1958).

Men have the privilege of satisfying their self-interests. Women do not to the same extent enjoy this privilege. Their gendered role is to a large extent shaped to serve others. It is easy to jump to the conclusion that women do so because of certain characteristics, while Jackson points out that the lesser extent to which women exercise self-interests rather reflects their lack of opportunities to do so. She goes on to question whether environmental altruism is at odds with the project of gender equality.

“Gendered analysis of property relations is a precondition for understanding differential incentives of men and women toward conservation. [...] Environmental relations have historical, spatial and temporal dimensions of significance” (Jackson, 1993, p. 1959).

What Jackson describes is that women are perceived as more altruistic, both towards nature and towards their families. Therefore, when there is an ambition in a project to improve nature preservation or conditions for children they are often directed towards women, since they are expected to be altruistic and caring. It is often regarded, or implied, that this is empowerment. However, it is a practice that reinforces gender roles, admittedly in a constructive way, but it is not empowerment, because it does not challenge the status quo.

A possible inference to draw from this is that when women are commonly perceived as more altruistic and environmentally responsible than men, legislators may be more prone to be in favour of a law that helps women obtain land, rather than a law that would challenge the way Nicaraguan women are structurally discriminated.

The altruism that women are expected to show concerning nature is also dominant in expectations of her sense of responsibility regarding her family.

“Latin American cultural constructions of femininity are strongly identified with motherhood, and serving the needs of children and household is generally considered a primary maternal responsibility. Throughout the modern history of Latin America motherhood has been offered as the explanation for political or civic activism, and allied with moral virtue, altruism and self-sacrifice” (Miller, 1991, cited by Molyneux, 2006, p. 438).

When investigating why the quest for Law 717 was successful it is relevant to examine if the activists were mainly appealing to their role as virtuous single mothers, or if they were openly seeking to level out inequalities.

Molyneux describes a development initiative project in Mexico in a critical light. The project Oportunidades (Opportunities) is a project that gives money to mothers in exchange for their participation in community projects, and for sending their children to school.

“These programmes unambiguously rest on normative assumptions concerning ‘women’s roles’ so that the work women undertake, in ensuring that children’s needs are met, is taken for granted as something that mothers ‘do’. The social relations of reproduction therefore remain un-problematized, with the work performed simply naturalized” (Molyneux, 2006, p. 438).

The case of the Oportunidades programme can be telling of how motherhood, and even womanhood is perceived, and how different policies aimed at women are a result of this gendered perception and the following expectations. Chant supports this perspective:

“There is occurring a ‘feminization of responsibility and obligation’ for managing poverty ‘with women being made to do more to ensure household survival, when men are increasingly doing less’” (Chant, forthcoming (published in 2008), cited in Molyneux, 2006, p. 440).

Expectations of men’s capacities as responsible, caregiving fathers, capable of altruism and environmental consideration are almost non-existent. Thus, many initiatives and development programmes directed to empower women and relieve them from poverty seek to do so within the framework of established gender roles, not challenging the underlying structures that have disadvantaged women in the first place.

### **3.4.2 Defining Women’s Empowerment**

Empowerment is used in many contexts, but a consensus of what it actually implies, is often lacking. A distinction can be made between empowering oneself in a psychological, or economic way, and empowerment in relation to one’s own, or one’s group’s ability to influence society and decision-makings, politically and economically. Different intentions can be noted, depending on what kind of empowerment one implies. Empowerment can find



resonance both within feminist and left wing, as well as within right wing and neoliberal strands, as it either refers to political power or personal growth.

With this in mind, it will be useful to choose a definition of the word empowerment. In this thesis women's empowerment will be in accordance to Mosedale's definition:

“the process by which women redefine and extend what is possible for them to be and do in situations where they have been restricted, compared to men, from being and doing” (Mosedale, 2005, p. 252).

Thus, women's empowerment is an increased ability of manoeuvring and influencing in relation to men, and is aimed to attack discrimination and structural disadvantages. From this definition follows that everything that improves women's lives, does not necessarily empower them. Sarah Mosedale raises concern for the term women's empowerment becoming a buzzword for initiatives that seek to achieve economic and social outcomes that may be very beneficial to women in e.g. tackling poverty, health conditions etc., but “do not necessarily challenge existing patterns of power” (Mosedale, 2005, p. 252). Her criticism is not about the term empowerment, but that it is used when referring to anything that improves the lives of women.

As discussed earlier in regard to the distinction between practical and strategic gender interests, to give women access to clean water and maternity clinics, or land of their own, can improve their lives to a significant extent, in regards to health, easier workloads and improved economic security. This may result in greater empowerment, but it is not a given outcome. If the improvements do not expand outside, or challenge, existing gendered roles, then the improvements may result in better life conditions and higher standards of living, but not increased power per se.

Empowerment always happens in relation to something else. In order for the women to be empowered, they cannot only improve the situation for themselves. They also need to improve their situation in comparison to that of men. Inequality and injustice does not disappear just because actual living conditions improve. Empowerment, according to the chosen definition of this thesis, requires that structural constraints on what is possible within the specific gender roles must be challenged and extended.

Drawing on an example from Bodhgaya of India, where women were generally economically independent through wage labour, yet, not property owners of their houses, and where land-titling initiatives had favoured male ownership:

“Land titles were important to women not only for improving their economic well-being in absolute terms (the welfare argument), but also for improving their *relative* position *vis-à-vis* their husbands: their sense of empowerment within the home was linked to economic *equality*” (Agarwal, 1994, p. 40).

Empowerment thus is not limited to only improve women’s economic situations and participation, but also to do so in relation to that of men.

Feminist scholars have noted that women are more prone to achieve their immediate political goals when appealing to their gendered needs, as mothers, widows etc. (Jackson, 1993; Molyneux, 2006).<sup>11</sup> That is, when their demands are not challenging established perceptions of womanhood. This is a similar mechanism as accounted for previously, of the importance to distinguish between if political ambitions are perceived as practical rather than strategic, and what responses they provoke. This distinction will be useful when investigating how Nicaraguan women appealed to policy-makers.

### **3.4.3 Distinguishing Between Rights and Assistance**

Women’s empowerment and equality can seem threatening to men in a zero-sum perspective, thus policy-makers may favour less radical discourse and initiatives. Agarwal describes how in India

“it would be easier to push for changes where the goal appears to be to give poor women a slightly better deal, than where the goal is to challenge basic inequalities in gender relations across classes. [...] It is not a coincidence that land rights have yet to become a necessary component even of women-directed poverty-alleviation programmes” (Agarwal, 1994, p. 44).

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<sup>11</sup> One example of how women’s political activism may take place in accordance with traditional gender roles is the tactics of the Mothers of Plaza de Mayo in Argentina, who during the dictatorship managed to openly draw attention to the disappearances, by appealing to their grief as mothers, or grandmothers, rather than overtly criticizing the regime.

When initiatives have been taken to promote women's land ownership it has mainly been with the ambition to help them raise from poverty, rather than achieving equality between the sexes.

Naila Kabeer also makes this point

“As long as women's empowerment was argued for as an end in itself, it tended to be heard as a 'zero-sum' game with politically weak winners and powerful losers. By contrast, instrumentalist forms of advocacy which combine the argument for gender equality/women's empowerment with demonstrations of a broad set of desirable multiplier effects offer policy makers the possibility of achieving familiar and approved goals, albeit by unfamiliar means” (Kabeer, 1999, p. 436)

A feminist agenda, which seeks to address power and social injustices, is considered more challenging, than policies that promote development and efficiency through women's work. Other scholars (Chant & Sweetman, 2012; Moser, 1989) have also noted how changes in the development discourse have moved from empowerment for its own sake to talk about empowerment as an instrument for gaining other benefits, such as more productivity, better intra-family distribution of incomes, children's welfare etc.

Sylvia Chant shows, how in development projects, the support given to men may be considered as rights-based entitlements, while women oriented support often is considered as aid. Chant draws on examples from Egypt.

“Whereas the predominantly male beneficiaries of mainstream contributory aid and welfare schemes are perceived as having 'rights', the recipients of non-contributory programmes (who are mainly female), are regarded in the disparaging light of 'charity cases', especially given the build-up of a 'distrustful, punitive and contemptuous attitude towards female-headed households and the poor in general' in recent years” (Bibar, 2001, cited in Chant, 2007, p. 43).

This thesis will analyse whether, and if so –how, this gendered distinction in perceptions on development assistance and rights played a part in how the women achieved Law 717.

### 3.4.4 Empowerment or Smart Economics? The Efficiency Approach

A common occurrence when investigating women's situations, empowerment and participation, is to not only perceive these concepts as objectives of gender justice, but also of smart economics. Women are expected to be more responsible than men, to make better investments, contribute more to their families' wellbeing and have long-term sustainable approaches in their work. Men are perceived as caring more for themselves and to spend more money on private consumption. Women's advancement is not only good for themselves, but for their children and families, for society at large, the economy and the development in society.

Chant and Sweetman describe how "Policymakers and practitioners report needing to argue for funding for programmes with gender equality aims on the basis of broader social and economic impact" (Chant & Sweetman, 2012, p. 518). This is something Moser (1989, cited in Chant & Sweetman, 2012, p. 518) calls the *efficiency approach*.

The efficiency argument has been particularly present in situations of crisis, when structural adjustment programmes or other neoliberal policies cut down on public services or raise unemployment.

"Women were expected under SAPs [Structural Adjustment Policies] to substitute for the failure of state institutions to provide health, education, and other services for their citizens, and to make ends meet in an era of high and increasing unemployment" (Elson, 1991, cited in Chant & Sweetman, 2012, p. 519).

The work that women do, particularly in times of hardships, has been acknowledged in the UN, NGOs and development programmes as important for societies at large, not only for the women themselves. Their work though, is considered empowering in itself, because they do worthwhile deeds, and maybe receive recognition for it. To support women in this work is considered not only good for supporting their actual work, but also for supporting their own empowerment.

The World Bank willingly ascribes to this strategy. They regard investing in women as an important factor in poverty reduction, see it as a strategic investment, and in certain programme titles specify that investing in women is smart economics (World Bank, 2011).

Improving women's lives and economies is seen not as an end in itself, but as a means to obtain other goals; of development and of encouraging the liberalisation of the economy. Chant and Sweetman argue:

“It is imperative to ask whether the goal of female investment is primarily to promote gender equality and women's ‘empowerment’, or to facilitate development ‘on the cheap’, and/or to promote further economic liberalisation” (Chant & Sweetman, 2012, p. 521).

One possible reason for encouraging women's entrepreneurship, and individual solutions to structural problems, they indicate, could be to encourage greater privatisation of the economy and the free market. According to Zuckerman's analysis:

“Adhering faithfully to the Bank's decades-old business model, GAP [Gender and Participation] aims to increase women's participation in land, labour, products and financial markets, while privatising them as much as possible, which benefits corporations the most” (Zuckerman, 2007, cited in Chant & Sweetman, 2012, p. 522).

Smart economics presume that everything women do that is of benefit for society or people outside their immediate family is of value because it empowers them. This reflects a perception that women are mainly women in need of advancement rather than active citizens who carry out work, for the need of the work itself. Men who carry out valuable work for their communities are seldom regarded as primarily empowering themselves, even if their work may have that benefit. They are mostly regarded for what the work means for others, and for society.

“In smart economics, lack of an essentially political critique of what is wrong with the world at the level of analysis results in programming which focuses solely on the agency of individual women and girls to deliver development goals, changing the world with minimal or no support from other actors” (Chant & Sweetman, 2012, p. 526).

The core essence of power is to be able to choose the course of actions of events, to make decisions and make sure they are carried through. Thus, yes, it is empowering for women to have the means to make decisions and impacts in their own and others' lives, and their

communities, but it is not empowering only to be recognised as important to economic growth and peace.

The analysis chapter strives to answer to which degree the Nicaraguan women used their gendered role as women in their arguments for advocating Law 717. An adjoining question will be if they sometimes felt the need to suppress a language of citizenship, rights, equality and power sharing and replace it with their gendered needs such as mothers.

## **3.5 The Politics of Land Ownership**

### **3.5.1 Land Titling, Market Liberalisation and Neoliberal Trends**

Land reform has been an important tool for poverty alleviation in rural areas (Deere & León, 2001). In this context, it is important to look at the development around land reform. As shown in the introduction chapter in the aftermath of the triumph of the revolution Nicaragua strived to address the inequalities in land ownership. In connection to these reforms, a number of other problems were raised.

There is a risk that land titling, even though it may have been carried out in the spirit of egalitarian ambitions, can still lead to the opposite result. If the farmers do not receive enough support to investments in produce and access to markets, they may have to sell their newly acquired land in order to survive. Many land reforms have thus paved the way for liberalisations of the land market (Baumeister, 2012, p. 256). Liberalisations of land markets, in combination with extensive economic inequalities, can quickly result in re-establishing a highly concentrated land ownership. When many farmers sell their land at the same time, i.e. the supply of land is high while the purchasing power is limited, many sales occur to reduced prices.

Another implication that occurred as a result of how the land reforms were carried out, was that many Nicaraguans do not have sufficient legal documentation to prove their land ownership. In some cases, some people sell other people's land, and there are several claims of ownership of the same land. Inheritance can further confuse the legality of land ownership. In order to ease the conditions for selling and buying in a land market, it would be of great

benefit for potential buyers, and for landowners themselves, if land titles were clearly established and respected. Law 717 could contribute to address the needs to formalise land titles. This can be seen as part of an increasing trend towards liberalisation of the land market.

Jacobs sees a new trend towards land titling and market based land reforms, instead of collective redistributive agrarian policies. However, she does raise concerns about the incentives behind these agrarian initiatives: “Titling is nearly always a prelude to the development of a land market [...], and this is likely to undermine the position of small farmers, especially women farmers” (Jacobs, 2010, p. 3). Even though titling can be a security means for small-scale farmers to protect their interests, the shift in large-scale incentives to support land titling has not predominantly been raised by small-scale farmers and the ones who benefitted from the agrarian reforms in the 1980s. Most of these initiatives are coming from larger interests groups, such as agribusinesses, the World Bank, or at times from states. It is these initiatives for land titling that Jacobs problematizes and sees a risk with. Jacobs accounts for how “campaigns for women’s land rights sometimes conflate ‘land rights’ with individualisation of tenure” (Jacobs, 2013, p. 873). Unless titling for small-scale farmers is accompanied by support for their continuation of production and longevity, it may support what some people refer to as agrarian counter-reforms (Jacobs, 2013). Razavi also raises concerns about the “troubling implications from a gender perspective in the current endorsement of ‘customary’ systems of land tenure and decentralisation of land management. Women’s rights advocates fear that this can play into the hands of powerful interest groups hostile to women’s rights” (Razavi, 2007, p. 1480).

### **3.5.2 Multi-layered Dimensions of Land Reforms.**

Land Reform has not only been a left-wing or national liberation initiative in decolonising countries. During the cold war, the USA pressured Japan, Taiwan and South Korea to go through with redistributive land reforms, in order to prevent socialist mobilisation (Jacobs, 2013, p. 864). The Alliance for Progress was a US-backed initiative in Latin America with similar motives. Jacobs explains:

“The US government saw land reforms with individual family tenure as the ‘perfect package,’ a solution that would increase rural incomes, boost industrialisation processes and calm peasant unrest” (Jacobs, 2013, p. 864).

It is interesting to see how initiating land reform and improving the economy of Latin America’s poorest was a strategy to prevent them from claiming the very same thing. By giving instead of being subjected to demands, these land reforms could be carried out in a controlled manner, which allowed for improved living conditions while not challenging the established structure of unequal ownership. In this way what could have been invented spaces of participation in the agrarian politics, was instead transformed into invited spaces, without risks of radicalisation.

“Land reform is also a way of strengthening the rural poor and transforming them into a new class of smallholders with economic and political stakes in capitalist or social democratic society” (Jacobs, 2013, p. 864).

Jacobs suggests that when people have their own property they are more likely to focus their commitment to the protection of their property and their interests rather than mobilising for broad social change. The condition of poverty and success is also easier to perceive as reflecting one’s level of business spirit, hard labour or good/bad luck, rather than as a result of communal or structural structures.

With this in mind, the reader is reminded that Law 717 is not a land reform. It is however relevant to analyse Law 717 to the background and in relation to the land reforms that have taken place in Nicaragua and paved the way for the current agrarian context. Even so, the same mechanisms of giving instead of being demanded of land, can apply to Law 717. To presume that Law 717 was to some extent a means of giving in order to prevent demands, is a more cynical way to regard the progress the women achieved. Nevertheless, in order to establish a full picture, it is relevant to account for the political conditions that constituted the context and the framework for the achievement of Law 717.



### 3.6 Summary

The discourse surrounding women, land and development has transformed from an assistentialist view of addressing the *results* of inequality, to increasingly taking into consideration the *causes* of inequality in developing policies. This implies that development initiatives increasingly stress empowerment and democratisation as solutions to poverty. This shift in focus has led to a political climate, which is more accommodating to arguments for empowerment. Although the transformation is mostly positive, it can lead to putting too much emphasis on the individual burden to rise from poverty.

Theories of practical gender interests and strategic gender interests were introduced to distinguish between the measures that help women in their daily lives, from those that challenge the structures of inequality. Pursuing practical gender interests can have the effect of benefitting strategic gender interests. Stressing the difference is important because there is a risk is that practical gender interests are being advocated as a sufficient means to empower women, without acknowledging the need to provide for strategic gender interests. Furthermore, it was suggested that the state could gain support by working for practical gender interests and doing so without enhancing women's power.

The concept of invented and invited spaces was introduced as an important tool to account for the area that grassroots are mobilising within. Invented spaces are spaces where grassroots organisations operate autonomously. Invited spaces are spaces that are set up beforehand by NGOs or the state, or where these institutions set up the conditions beforehand. The two spaces can overlap. Activists often operate to various degrees within both spaces. It is a risk that scholars only account for invited spaces and fail to acknowledge the importance of the grassroots activity that takes place in the invented spaces.

An additional instrument for understanding mobilisation and resistance is the separation of tactics and strategies, as defined by de Certeau (1984). Strategies are designed to maintain the status quo of a highly unequal system of power. Tactics are the pockets of opportunities that workers use to engage in individuality and creativity, outside of the spectre of economic efficiency. Using tactics is the form of resistance that is available to them, within the system.

Various approaches to empowerment show that one must be aware not to use that word in accordance with everything that improves women's lives. Political and economic

empowerment implies that women's situations are improved in *relation* to those of men. It was also suggested that it is easier to achieve success when emphasising women's *needs* rather than challenging male privilege and dominance. In my analysis, it is important to problematize when women's lack of land is primarily addressed on grounds that enforce gendered notions of womanhood, as caretakers, family-and nature-oriented and better at economic responsibility. Aspiring for empowerment can be problematic if it is argued for on basis of the greater good it leads to, rather than the aspect of justice.

A brief account of the shortcomings of land reforms showed that land titling if not carried out with sufficient support can lead to the an increase in the concentration of land ownership. This possible effect is significant in an agrarian free market economy. It has also been shown that it can be a strategy to give small plots of land to avoid demands for larger structural changes in the distribution of land ownership.

## **4 Analysis**

The first section of the analysis focuses on why rural women in Nicaragua decided to mobilise for land ownership at the time they did. It analyses the historic background and the current circumstances that provided the basis for women to formulate this goal, to organise and to perceive it a fruitful ambition to struggle for. The purpose of this section is to evaluate what conditions constituted a necessary foundation for such a quest, and for initiating this kind of grassroots organisation.

The second part investigates the strategies and the rhetoric used by the grass roots activists. It will be shown what kind of relationships and type of communication with policy-makers and the public were available to the women within the context of poverty alleviation, women's rights and land ownership. Recognising what strategies and rhetoric were successful will give an indication of how grass roots and civil society can interact with policy-makers and influence the politics and the political agenda on governmental and grass roots levels. How women's land ownership corresponds to international development agendas will also be analysed, since development assistance has played an important role in Nicaragua for the last 35 years.

The third section explores how the rural women's law proposal resonated with contemporary politics. It will consider what the promotion of women's land ownership may mean, both with reference to the politics of the FSLN, and to a lesser extent to the PLC and their Pact. Finally the criticism raised by the respondents that policy-makers may be lacking a genuine interest to implement Law 717 and to efficiently act for gender equality in land tenure, will be discussed in order to give a fuller picture as to how the Law resonated with contemporary politics.

### **4.1 Mobilising for Land Tenure Rights – Reasons for Why and Why Now**

This section addresses some general arguments that my informants spoke of in favour of pursuing land ownership, contributing to understand why women wanted land, why previous legislation was not enough, what the political context that the activists were operating within

was and why they decided to pursue land ownership at this particular time. Lastly, some references will be made as to why they decided to fight for land ownership by means of obtaining loans to buy land, and why the rural women wanted the state to finance their loans.

#### **4.1.1 Economic Security**

Economic security might seem the most obvious reason for the women to want land of their own. It was however seldom something the interviewees expressed as a fundamental reason of its own, but often implied in, or part of, explaining many other reasons, such as empowerment, independence etc. This may not suggest that it was of little importance for the women, but rather as something the women considered self-evident. Since poverty and underemployment and many issues related to these conditions are extensive, as explained in the introduction chapter, it may seem very obvious to them why they want to improve their economic situation in this particular way.

“The Law 717 was initiated because we saw a necessity to own something of our own. This Law exists so that women can improve their opportunities” (Alicia, 2012).

For the majority of rural people, land ownership constitutes the main source of economic security (Agarwal, 1994). “Land is something concrete and reliable and something you can live off” (Diliana, 2012). Land tenure provides a certain continuity, which is one reason for why land ownership is regarded a vital economic security, even though the produce and the incomes that small-scale farming generates seldom are sufficient to cover all the expenses, and additional incomes are crucial. Many types of employment can be considered a more volatile means to support oneself, particularly since the nature of agricultural work is seasonal. Labour rights and pensions are not to count on for the majority of the population in Nicaragua.

As established previously, agricultural workers and small-scale farmers are among the people in most poverty. Often unable to provide a sufficient living for themselves and their families many rural women see it necessary to move to towns, and look for wage work. Diliana explains the foundations as to why they want land ownership:

“Based on the necessities, and also the necessity to value the work that women do, because many women are migrating from the countryside to the city. Many women

live in other departments, in campsites, or they live in a cottage of their mother or their mother-in-law, they live seven, eight families. I think that the basis for the Law, our desire, as women, is that we women want to live with dignity, with a piece of land of dignity, and that the piece of land that we have requested in this project should not be crumbs. It should be documented, and suitable for cultivating, to produce, it should be land that the woman wants” (Diliana, 2012).

The jobs that the women obtain in the towns are often unskilled, and lack employment security, as it often implies working as housekeepers or in maquiladoras (manufacturing in free-trade zones). In the urbanization process the women’s farming skills do not come to use, and many of them would rather have preferred to live rurally, with their social network and family ties close by, and being able to support themselves through agriculture. Diliana adds “We want land so that our children can have the opportunity to choose a rural life, as producers, if they want to” (Diliana, 2012).

Several interviewees accounted for how the disparities in land ownership between men and women contributed to reinforce sexism. Many rural women that are involved in agriculture on a family-owned farm are not the rightful owners of that land. When the land that women cultivate legally belongs to their husband or another male family member, this reinforces women’s dependencies on men. When women instead engage in employed labour they are guaranteed an income of their own. While working on a family farm that they do not have legal rights to, they can make no effective claims of decision-making and fair shares of the generated incomes. This contributes to maintain the gendered division of labour in which male labour is predominantly monetary and women’s labour non-monetary.

Other informants referred to the fact that as mothers, women in Nicaragua tend to have the main responsibility for children and relying on a man for support may be risky. Many women become mothers at a young age. Nicaraguan statistics from 2005 shows that twenty percent of all adolescent girls between 15-19 years old had given birth to one or more children (UNICEF, 2007, p. 5). Early motherhood often has consequences such as having to drop out of school, or health implications which further adds to the difficulties in acquiring land, employment or by other means securing economic incomes. It is common and relatively socially accepted for men to not take responsibility for their children, and therefore common among women and the whole Nicaraguan society not to expect too much support and commitment from men, an approach that sometimes has the effect of almost encouraging, or

at least condoning this behaviour. Men are particularly prone to leave teenage mothers with the whole responsibility of parenting. “Males (both adolescent and adult) tend to be absentee fathers and partners who fail to take responsibility for the children they have procreated with adolescent mothers” (UNICEF, 2007, p. 9).

Sobeyda accounts for how, in cases of divorce and separations, the tendency is that the woman moves out and brings the children with her, while the man keeps the house and the land. The unequal share of responsibility for the children is apparent even within families where the parents stay together, but have separate incomes. Alicia explains:

“If the woman owns land and has money she share her income with her whole family, she contributes to the communities and other persons. The rural women do not have the resources to educate their children and to feed their families” (Alicia, 2012).

Alicia refers to how women often have the primary responsibility of providing for their children. She considers the women’s lack of economic independence, or economic income at all, to be a major obstacle for feeding and educating the children. Her statement implies that children and dependent family members will be better taken care of if the income is earned by women, rather than by men. Further, she makes it painstakingly clear that women’s poverty is not only a matter of gender injustice, but also impose a great threat to children’s rights to food and education. Gender inequality, which includes both economic and socialised differences of responsibility, does not only discriminate against women, but also against children. With the gendered differences of parental responsibility, women’s poverty is a greater threat to children than men’s poverty is. Molyneux’s (2006) description of how Latin American women’s activism often draws on, or appeals to notions of womanhood as motherhood, contributes to contextualising Alicia’s argument.

Malnutrition and hunger are concrete effects of social and economic injustices. Those injustices are particularly prevalent in the countryside, and are often a combination of gender and class inequalities, and therefore best addressed through political measures. “We recognise that there can be no justice in alimentation if there is a problem with inequality in the access and control of the resources, primarily in land resources” (Sofia, 2012).

Increasing women’s land tenure is not only a means of rising from poverty and inequality. It also democratises the means of production and the management of natural resources. The FSLN has, through different laws and political messages, claimed to be working for

democratisation of the means of production: to level out ownership and reduce concentration of land tenure, and strengthening cooperatives and unions (Midence, 2012). The women are doing these claims with reference to already established political goals and rights.

#### **4.1.2 Gender Justice**

When the interviewees talked about economic security and the advantages of owning land of their own, the gender justice aspect was never far off. Often these two were mentioned in the same sentence.

“That is why land ownership is important, in order for the women to have security, both legal and material security. They can live in peace, and their daughters and sons can inherit them. Otherwise, it is often the sons who inherit. It is commonly perceived that women will only get married, thus by giving land to daughters you are giving land to their men, and you might not like them” (Sobeyda, 2012).

Sobeyda’s statement reflects not only sexist attitudes but also the necessity of women’s own land ownership, and de facto problems of joint land ownership. Women’s lack of power has oftentimes prevented them from securing the rights they actually have. Thus, separate land ownership is a means, not only to secure women’s continuity of land ownership, but also to secure inheritance, which is independent on what type of man the woman/daughter pairs up with.

Diliana explains how the rural population’s need for land to a certain extent has been addressed for men, but not for women. Since women too have fought for the revolution, the development of Nicaraguan society, and have been active citizens, they should also gain from rewards and programmes. “This Law is a way to acknowledge the important work that women do, and show appreciation for this work” (Diliana, 2012).

The justice aspect of land ownership manifests both in a historical and a contemporary context. Several informants stressed that although they had been active in the revolution and society building, they had not sufficiently been able to enjoy the benefits of the land reforms. This, they argued, was a historical injustice, and reflected an ignorance of the women’s contribution. In the contemporary context they experienced that their work and their professions continue to be ignored and is still often regarded as of an assistentialist nature

rather than as equal labour to that of men. Another aspect of the justice argument was that in family farming, women put in as much labour as men, yet do not gain economic security (see also Agarwal (1994) and Kabeer's (1999) discussions on the meanings of empowerment and distinguishing between rights and assistance). As long as the land is in the legal ownership of the man, the woman's economic status is dependent on the continuation of marriage or good relations.

### **4.1.3 Empowerment**

The discussion on justice is closely connected with the concept of power. As women obtain gender justice by owning land to the same extent as men do, they will not only have more personal power over their own produce and spending. Their power in society also has more potential to increase. "It's not only about owning land, and having a legal right to it, it is also about having power over decisions," Sobeyda explains. That property ownership and economic independence is closely connected to power, recognition, participation and decision-making is a reflection made by other informants as well:

"A person who owes land is a person worth listening to, and also someone who can have influence" (Marta, 2012).

"The ones who don't own land, although they are producers, don't decide over what they are going to cultivate" (Alicia, 2012).

Land tenure is often a criterion for membership in many cooperatives and programmes of assistance, and as land tenure increases among women, so does their participation in economic and political settings where farmers come together and make decisions.

Diliana and Alicia explained that when their husbands were landowners they had not had control over decision-makings. Their lack of power and influence was a direct result of their lack of economic assets. By obtaining and owning her own land, a woman also has increased power vis-à-vis her spouse. Sobeyda explicitly refers to how the power that a woman gains with her land ownership also includes gains of power over her own body. "When the power inequalities between a male and a female spouse are levelled out, she has more power to make decisions for herself" (Sobeyda, 2012).



Another of the interviewees' accounts for how her first husband prevented her from making decisions over her own body. She was not allowed to use contraceptives, to receive maternal help, or to give birth at the birth clinic. Since she began giving birth at the young age of fourteen, and had no economic independence, it was very hard to make her own decisions over her own body. This is an example of how economic dependency, combined with patriarchal inequalities, disempowers women, not only within political participation in the society, but also in the most private matters such as decisions over her body and health.

“It’s an important strategy to decrease the inequalities in the countryside, and the poverty. Insofar the rural women who have land, they are changing their lives, because land is a vital resource. Land is a productive resource, which the women need in order to advance. But not only to advance in economic matters, but also for her empowerment, in order to make decisions, and also in order to improve their lives. When we are speaking of improving their lives, this permits that the women could make decisions over what to cultivate, when to cultivate, to whom to sell, and what to do with the income that these crops generate” (Sofia, 2012).

Sofia’s statement does not only explain how the intersectionality of economic and gender inequalities result in poverty, powerlessness and dependency. She also shows how the solution to one of these problems is interlinked with addressing the other problems. Reducing poverty, discrimination and dependency requires tackling the problem both at its root causes as well as its effects. The problem is both of a practical and structural nature, and the solutions include both practical and strategic, or structural, solutions (Molyneux, 1985; Moser, 1998).

#### **4.1.4 Previous Legislation Never did Enough**

“Law 717 came from a necessity, which we, the rural women, experienced. Here in Nicaragua women have never been landowners. It has always been the husband, or the land has been under control of large landholders”(Oneyda, 2012).

Oneyda explains how previous legislation never did enough to support women’s land tenure; “only eight percent of the beneficiaries of the land reform were women” (Oneyda, 2012).

Sandinista politics was rooted in a class perspective, but often failed to effectively address the power structures between men and women within the classes. Yaneira accredits the absence of feminist analysis in land reform policies as the main cause for the disparities in land ownership between men and women. Oneyda expresses a similar point of view.

“I believe that the previous laws were made only towards one gender. There was no family perspective, that the women could not own or gain tenure by inheritance. It was always the man who could have this heritage. We have seen that the previous laws did not include gender equality. It was like this, quite simply, that only the man could do this, who could access the assets, the heritage, not the woman” (Oneyda, 2012).

Both Yaneira and Oneyda express the opinion that gender blindness, or lack of gender analysis, on behalf of the policy makers, explains the gender biases in how political initiatives were applied, and how men were more prone to be advantaged than women.

Elizabeth on the other hand, emphasises the lack of women’s organisation to act collectively for their interests, as the main obstacle for effectively accessing the opportunities that were provided. “You may have all kinds of benefits, but if you do not organise you will not have access to them” (Elizabeth, 2012). Elizabeth represents the organisation ATC, which has been a very important forum and voice for rural women’s mobilisation for gender aware policies and politics in the agrarian sector. Already in 1984, they established a women’s secretariat as an incorporated part of the ATC. Their work has been a radical contribution to the revolutionary project, and important for rural women after the revolution too (Kampwirth, 2004, p. 31 pp). Elizabeth’s statement can be interpreted as placing the main responsibility for not having achieved more, on women’s lack of efficient organisation. However, it can also be considered as shedding light on the crucial impact that the women’s organising has had, and the potential it continues to have.

Because the FSLN was more class than feminist oriented in their politics, the measures that they took to improve women’s situations were more directed to practical gender interests rather than the strategic ones. The practical needs were however very urgent. Large parts of the rural population lacked health care and maternal clinics. In 1979, half the population was illiterate, and in the rural areas these numbers were even higher; with 75 percent who were illiterate (Cardenal & Miller, 1982, p. 206). Apart from high deficiencies in human security,

the national security needs were critical. The outbreak of the Contra War further moved the focus on practical interests before strategic interests, particularly in regard to increased equality between men and women.

During the Contra War, the war situation took a more typical gender division of combat than the revolution had done. The Sandinista defence was now carried out by the armed forces. Men were more prone to participate, and later on forced to do so, because of the draft. The change in the political environment and the different kind of warfare that was going on in the 1980s compared to the 1970s had significant impacts on the gender situation.

Women, to a larger extent than men, were left to take care of everyday life. In the men's absence the women often took on the main responsibility for the production, sometimes the women managed the land for several years.

“Many women never saw the land they cultivated as their own, they were only taking care of the land in the absence of their husbands. Both men and women perceived it this way” (Yaneira, 2012).

Elizabeth explains that the lived experience of dictatorship had left women afraid of taking up space, asking for rights and believe that they too could benefit. “Many already suffered from patriarchal violence in the family, and all they could see was that this had always been supported by the dictatorship” (Elizabeth, 2012).

Yaneira and Elizabeth's accounts demonstrate how, in order to organise for change, the women first had to begin to think of themselves as entitled to rights and goods and to envision those benefits. This shift in perceptions of what was possible correlated with the democratisation of the country. The women are not to the same extents influenced by the grip of Somoza's dictatorship as they used to be, and are freer to pursue their quests. This freedom is both psychological and political. The risks of the return of Somoza dictatorship are gone. The democratisation process that has taken place in Nicaragua has helped to create such a supportive context where there is enough security and space for women to demand rights.

“In some aspects the government [of the 1980s] did a lot for the women. And the women really did achieve an interesting empowerment in the 1980s, but actually concerning the productivity, even though they were very involved in this, it was not possible. Because I tell you, in these years in the 80s we were in a war. Obviously, the

men were in the combats. Those who stayed to produce were the women, but they never thought that the land was theirs, but only that it belonged to the man” (Rosalpina, 2012).

The scope and the results of President Violeta Chamorro’s initiatives in the early 1990s to encourage spouses to register land in both their names were too limited to challenge structural inequalities in any serious way. Many men perceived the joint titling as symbolic rather than legally binding. It was easy for male spouses to bypass regulation and take up loans or sell land without the consent of the woman. Often the women too, did not feel they were the rightful equals of the land. It was commonly perceived that the man’s labour was the main labour, and the woman’s labour was of a contributory nature.

“She was helping him, and he was in charge. The economic and psychological dependency that women have to men is still strong. Women didn’t have the support they needed in order to sense that they were entitled to decide” (Rosalpina, 2012).

The economic and the psychological dependencies, as well as the occurrence of domestic violence, are examples of how it is not optimal to address only the practical gender interest, and expect the strategic gender interest to follow as a result. Practical and strategic gender interests need to be established simultaneously as they are mutually strengthening.

“The culture that women live in is always one of a patriarchy; the man decides, e.g. if the land they own should be sold” (Sobyeda, 2012). With such a strong patriarchal influence in practices and norms, it was not enough to legally have equality. The legally established rights that joint ownership claimed were circumvented by the practice of male domination.

In cases of divorce many women were afraid of confronting their men, or saw little prospect in doing so, and demanding their share of the land. Many withdrew without compensation, men tended to remain with the land, and women with the sole responsibility of providing for the children. Violence and threat of violence is a common problem among many husbands, and the extent of the legal and public support network is limited. The decisive conclusion that the interviewees draw from the experiences of the 1990s joint ownership was that the only way for a woman to feel that she really was the owner of the land was if she was the sole owner of her land. Mosedale (2005) and Agarwal (1994) also stress the importance of women’s own land titles as a means of equality and empowerment in relation to men, not only for improved welfare

#### 4.1.5 Incentives for Pursuing Land Tenure at this Particular Time

This section will describe the main reasons the interviewees provided for pursuing land rights at the time they did. These are the liberalisation of the land market, the FSLN's return to power and the opportunity to participate in agricultural support programmes.

The grassroots mobilisation for women's land ownership begun already in the 1990s. With the political shift that took place when the FSLN was voted out of power and Chamorro took office, the support necessary for small-scale farmers vanished, and many saw no other option than to sell their land. Many women lost their economic security when their spouses and family members sold off the land they lived off. These women's need for land of their own became ever more urgent.

The liberalisation of land markets had changed the condition for how to acquire land and the women were adapting to it. While several of their male counterparts had *received* land in the 1980s, the women had to aspire to *buy* land now. Lack of money and access to credits prevented them from using that option. The free market had both contributed to greater poverty, but simultaneously opened up an opportunity for women's advancement vis-à-vis men. The economic realities of land markets have been essential to how the women formed their politics. As Sofia points out, the women used *tactics* (Certeau, 1984) to aspire land tenure, by adapting to the opportunities that existed, and by applying the means available to them. As the new times did not seek large-scale state interventions for the promotion of equality, the women's tactics appealed to participate in the free market economy, rather than asking the state for interventions.

“When they [the CMR] did the law proposal it was in another sense, it included a set of articles and in the end they pulled out a law that was so reduced, and therefore the CMR wanted that the legal regulations could introduce some changes in order to rescue some stuff. For example the spirit, as we say, when the women proposed the Law, as a proposition, it was a means of taking advantage of the fact that there was a context of a land market” (Sofia, 2012).

The prospects of gaining support for their quest increased as the FSLN once again returned to power. In recent years, the government has initiated several anti-poverty programmes. One condition for participating in these programmes is to be the rightful owner of a certain

amount of land. In order to be given a cow and a pig the beneficiary has to have enough land to feed it from, otherwise they may be more inclined to sell or slaughter the animals provided. Thus, these programmes have been inaccessible for the most impoverished. Women and men who lease their land have not been able to benefit from the programmes since their economic conditions do not provide the continuity that keeping livestock requires. This benefit of land tenure was referred to in many interviews (Sofia, Sobyeda and Oneyda, 2012).

The timing of the law proposal was not only relevant to the FSLN's policies regarding poverty alleviation. Controversially as it might seem, their stance for gender equality and 'women's issues' also provided a backdrop of 'good will'.

Oneyda refers to how the government's previous initiatives for women's political representation have shown that there are political incentives when it comes to improving both the political and practical situation for women. However, 'supporting women' can mean many other things than strengthening women's rights and political participation, particularly when women's participation constitutes a diversification of political meanings, and claims of rights rather than benevolence.

"This government talks a lot about addressing the rights, and the government is represented by 50 percent women and 50 percent men. They have supported the women's sector. Part of this was the directive to support women, as they say, by giving a gift to the women, but this is not a gift, no. Sometimes the politicians believe this, stupid. But no. This is a fight which in the end does not end as one would like but as they decide" (Oneyda, 2012).

Oneyda's statement acknowledges on the one hand that the FSLN is promoting women, particularly as the majority of women live in poverty. On the other hand, many politicians lack a certain amount of feminist analysis, since they regard 'women's issues' as primarily asking for assistance rather than participation. By addressing women's issues from an assistentialist manner they do not seek to understand nor change the structural causes for gender inequality and poverty, similarly to how Chant (2007) discuss gendered development politics. It is also similar to some of FSLN's takes on tackling poverty, that focus on giving families different assets (livestock, etc.), but do not seriously challenge conditions of trade,

employment and market regulations, which may be a more sustainable way to challenge poverty in Nicaragua.

#### **4.1.6 State Financed Loans**

So far, the focus has been on why women wanted land tenure, and why they perceived it plausible to pursue it at this time. What still needs to be addressed is why the activists chose to pursue land tenure through state-financed loans. Other interest groups in the Nicaraguan society have pursued land as retribution for military service, or combatant service, including those who fought on the Contra-side of the war. At the core of the CMR's argumentation, which is made clear in all interviews, is that the women want to *buy* land, not be given it. Yaneira explains why the women consider it such a necessity that the loans are financed by the state.

“Some women lease land. The payment was not a problem, but if I ask the bank for a loan to buy this land so that it would really become mine, that I rather pay that same quantity to the bank, the bank says no. They don't finance this kind of decisions. There is no way to finance the purchase of land from a conventional bank. They don't finance it. Neither do the micro-financiers” (Yaneira, 2012).

The purpose of the Fund is to permit rural women to participate in the purchasing of land, an activity that they, due to their poverty, have been excluded from doing. As mentioned in the introduction chapter, the majority of rural women are simply too poor to qualify for private bank loans. The reason that the women want the state to create a fund in order to provide credits for land purchases is that no other means of obtaining mortgages for land is available for them. Apart from the advantage of qualifying for a loan at all, other benefits of having the mortgages financed by the state can expand to include lower interest rates and longer instalment periods. This Fund is a means of circumventing one of the obstacles that poverty provides, which curbs the chances of rising from poverty.

## **4.2 How the Rural Women Pursued the Quest for Land**

This question will be investigated with particular focus on the strategic and practical gender interests, as well as the distinction between tactics and strategies (Certeau, 1984) as discussed in the conceptual framework, both when investigating the CMR's campaigning, and when investigating the rhetoric they used in order to convince policy-makers of the necessity of Law 717.

### **4.2.1 Grassroots Organising**

The process to formulate Law 717 started with meetings on a local basis where women from different organisations met and discussed what they wanted and what to include in the law proposal. Together they collected proposals and ideas from the different local groups around the country and agreed on a proposal, by means of voting. To conduct democratic decision making on a grassroots level is oftentimes difficult in a country that lacks good infrastructure and many basic communication resources. Since the majority of the women live rurally, they are often not available by post, email or even telephone at times.

The CMR operated through a coordinator, Maria Teresa Fernández, who worked fulltime in Managua in a place closely situated to one of the other agricultural organisations that partook in this campaign. Fernandez opportunity to work full time was initiated through the previous involvement of the Arias foundation. A defining characteristic of this interest group is that these women seldom are in power positions. Thus, grassroots organising was the natural means of organising.

The women's choice of organisation was deliberate and with a clear aim.

“We wanted to contribute to a leadership for change, a leadership that is horizontal, based on consensus, a leadership that is democratic, and which recognizes the leadership of others. Why would I sabotage for someone else? The patriarchy encourages us women to fight against each other, it makes us individualistic and egoistic, this is the system, and you have to fight against it, and we have” (Sobeyda, 2012).



According to Sobeyda, effort had to be put not only in the specific goals themselves, but the means of reaching the goals were of great importance too. By adapting an inclusive form of organising, the women strengthened their participation and empowerment. These were tools that will live up to the ambition of power and equality, which goes hand in hand with obtaining land tenure. The women were inventing their own space of participation, and their organisational structure in a way that corresponded with their democratic ambitions. This is of particular importance to notice, as the trends in Nicaraguan society oftentimes go in the contrary direction. State politics and the FSLN's party organisation are increasingly centralised. The FSLN's supporters are commonly referred to by themselves and by others, as Danielistas, and the FSLN's political platform is increasingly referred to as Orteguismo, reflecting that the party and the leader seem to have fused into one. Social mobilisation is increasingly institutionalised, controlled, and invited into hierarchical spaces. The establishment of the Councils of Citizen Power (CPCs) in 2007, with Rosario Murillo as the director, is an obvious sign of the co-option of social movements. The official purpose of the CPCs is to establish direct democracy between the state and its citizens. They have, however, been criticised for establishing social control, and demand party loyalty in exchange for employment or participation in social programmes (Envío, 2008). By adapting a democratic and flat structure for organising, the women are establishing means of participating and organising that reflect more than just their practical ambitions. It is a stance for their strategic ambitions. The activists considered it vital that in order to change the system their means were to reflect their goals.

#### **4.2.2 Campaigning**

In their campaign material, the advocates used videos and posters that showed women working the land, planting seeds, weeding, harvesting, feeding the animals and caring for the land. The purpose was to emphasise that women are farm workers, and as farmers, they ought to possess their own land. The campaign strived to cultivate a sense of pride in the work they do, and showed that agricultural work is a skill, and an important profession.

The women's campaigning was not limited to strengthening their dignity and sense of worth as farmers. It also aimed at making legislators and the public realise that since women's farm labour is not supplementary but equally important and skilled as that of men, they are also deserving of the same support and benefits that men receive.

Through means of videos, booklets, advertisement, and information about Law 717 on radio, they sought to inform the public about their work and the Fund. In order to have a law proposal processed by the Assembly a minimum of 5000 signatures in favour of the proposal are required and they gained a sufficient number for the proposal to be officially processed.



**One CMR activist holding a poster, saying “We want land of our own”(Coordinadora de Mujeres Rurales)**

When it was time to hand over the law proposal to the government representatives the activists organised a big market outside the National Assembly where they sold their produce of food and handcraft. They achieved national attention for the Law as the event was reported on the televised news and the newspapers.

From an early stage, the CMR managed to build alliances with other organisations that had a longer history of working for farmers’ rights and being allies to the FSLN. This was important in order to establish close connections to members of the National Assembly. “We soon gained support from influential people such as university employees, lawyers and parliamentarians”, Diliana explains (2012).

Throughout their campaign, the CMR cooperated closely with National Assembly member Alba Palacios who has a long background in rural organisations. Previous to the 2006 election, Palacios promised that should the FSLN win and she secure her position in the

National Assembly, she would advocate for the interests of rural women and pursue the law proposal. A couple of the interviewees pointed out that it was essential to have politicians who represented them and who advocated in favour of issues relevant for them. This is an example of the transformation from an invented to an invited space, when the women let a politician speak on their behalf.

Through the collaboration with Alba Palacios, the women were able to access state power, which was crucial for their achievement. Before this step was taken, they had defined their own agenda, strengthened themselves as an organisation and established a strong support for their cause. Being received and having their agenda incorporated to a governmental level is an act of beginning to operate within the established spaces. They were certainly not invited when showing up at the doorsteps of the politicians, but once their agenda was actually up for debate and process, the characteristics of participation had transformed into the arena of invited spaces, and the terms of participation was to a larger extent shaped by the politicians rather than by the activists.

Legal advisors that supported the cause assisted the women with the correct structure and formulation of the proposal before handing over the document to the National Assembly. The proposal contained 32 articles, and included both directives of the politics of the Law, the procedure, assistance and investments.

It was a conscious choice to make the law proposal broad and inclusive, so that there would be a margin for negotiations.

“They took away a lot of things that were important for us, and we have fought a lot about it, but we understand how Nicaragua, and other countries work. They took away almost half of the proposal, but in the end a lot of what they took away from the Law is included in the regulations that accompany the Law” (Elizabeth, 2012).

During the process, the women felt that they could influence the content of the Law, and they did not hesitate to refer to their electoral power to put pressure on the politicians.

“It does not matter which party they represent, if they are members of the National Assembly it means that we pay their salaries through our taxes, and thus they should listen to our demands” (Elizabeth, 2012).

This quote demonstrates a clear understanding of the rights and demands that citizens of a democracy can expect to be entitled to. Sofia on the other hand was critical to the FSLN, regarding the state as clientelistic and referring to the curbing effects that pacts and populism have on autonomous organising. Yet, they apply democratic means throughout their mobilisation and campaign work and construct their demands on democratic grounds. Albeit pointing out grave democratic deficiencies in operation of state politics, the activists continued to expect that references to their democratic rights should gain them support for their cause.

“Here in Nicaragua, not everyone respects the institutionality. There are many deaf ears, and a lot of centralisation. For example, there are civil servants that listen to you, but they cannot make any decisions. Their scope of decisions is limited. They tell you that they agree with you, but that those who decide are others, and in reality, the decisions are very centralised in this country. Therefore although there really are civil servants who truly open the doors, they are limited in terms of decision-making” (Sofia, 2012).

It also shows the strength of activism from an invented space when the conviction of rights based goals are the driving force, in contrast to activism that springs from invited spaces when it is the benevolence of the powerful that frames what is possible to ask for. A sense of citizenship has guided the activism and influenced the way they carry out their discussions both among themselves and publicly.

The rural women did not differentiate between representatives of the different political parties. They visited the parliamentarians in their houses and spoke with them and the male parliamentarians’ wives in an aspiration to gain support for the law proposal. They also visited the National Assembly on a close to daily basis. “The activism became part of the daily routine, just like you stand up, wash yourself, drink your cup of coffee, so we went on advocating the Law” (Oneyda, 2012).

Some laws take 15 to 20 years to process, but Law 717 took a record fast three years. Elizabeth believes, that this is because the activists were willing to negotiate. She sees how many law proposals are left untouched for years because neither part is willing to give up on some of their demands. In her conversations with the CMR, Congress member Palacios had

stressed the importance of negotiation. By initially asking for a lot, and then making concessions, they could at least achieve some of their goals.

Another reason for the fast legislative process of Law 717 can be accredited to the strong centralisation of the state and the legislative, which allows for fast political changes and quick approvals of new legislation. As the state has shown a tendency to approve many progressive laws recently, it may rather be a sign of a political climate with fast legislative changes and not only due to negotiation techniques, that Law 717 was ratified so quickly. As mentioned in the introduction chapter, a result of the pacts between the FSLN and the PLC is that these two parties now have a tendency to vote unanimously on different legislation. As the executive power has become increasingly centralised, many National Assembly members vote in accordance to their party line without raising discussions within their parties and within the Assembly. In my interview with one National Assembly member, she repeatedly reaffirmed her loyalty and gratitude to Daniel. “We will continue to support him and be his ally. With this government we will never have problems, because he supports us” (Cornelia, 2012). Cornelia, although she is a member of the National Assembly and a prominent politician, still conflates the *government* with *he* (Ortega). Her quote shows that this is how she perceives the president and the government; as one and the same. She continues throughout the interview to emphasise her loyalty to Ortega:

“I am infinitely grateful to Comandante Daniel Ortega and his militants. I am a National Assembly woman, but I am an ally. I am infinitely thankful that today I am his best friend. I value him so much and it would hurt a lot if something would ever happen to him. Because leaders like Daniel are not born every day” (Cornelia, 2012).

Campaigning for the implementation of Law 717 continued even after the Law had been ratified. The activists of the CMR have written letters to remind policy-makers of their commitment to not only ratify, but also implement the Law. They have also visited and written to the president of PRODUZCAMOS who is responsible for managing the funds.

When the interviewees involved in the activism talked about the process that led to the final Law two main tendencies stood out. One is a great pride of what they have actually achieved, the other is a realization of how little the Law is worth if they do not continue to fight for its application.

### **4.2.3 Rhetoric of Rights**

As referred to in the conceptual framework, there are many instances when appealing to stereotypical connotations of women as mothers, caretakers and of a more altruistic nature, have been efficient in obtaining goals of a feminist nature (Jackson, 1993) Thus when interviewing the women one set of questions aimed to find out if this was a tactic that activists used in their quest for land.

The findings showed that informants were keen to appeal as citizens with rights and duties. Several interviewees stressed that they wanted to distance themselves from resorting to ideas that they should be worthy of land based on perceptions of certain feminine virtues. Even so, there were instances when the women expressed the opinion that they would take better care of the land and their families than the men do, and therefore were more deserving to assisted land acquisition.

In the accompanying letter to the law proposal, which was directed to the National Assembly, the CMR and Palacios appeal to these notions and experiences. They refer to many rural women's double role as mothers and household heads, who cultivate land in order to take care of their families. They further refer to the fruit of the women's work as an important pillar of the Nicaraguan economy, but stress that "paradoxically it is in this sector where one could encounter the highest levels of poverty hunger and misery" (Palacios, 2007).

This tension between ideological conviction, and contradictory lived experiences, as well as adapting to the realities of what was a plausible means of argumentation, was present in the interviews. Arguments for a cause are made in a context when the aim is to gain something in relation to the situation one exists within, locally, internationally and politically.

When formulating an argumentation for a cause, ideological convictions are not the only or necessarily the most efficient way to base one's argumentation. The context in which one exists, in which the people one appeals to exist, and in which the changes are to take place will always be important for how to build arguments and gain support for the cause.

#### **Land as a Right**

The CMR and other grass root activists used rhetoric of rights and entitlements throughout their publications and materials, and in the interviews. "We are not asking for gifts or help,

we are claiming our rights” (Diliana, 2012). The activists specified that they wanted to buy land because they wanted to consider themselves, and to be considered by others, as rightful owners who had earned their land and were entitled to it. The interviewees emphasised that being given land is accompanied with an obligation to stay loyal and grateful to the benevolent, and does not encourage a sense of entitlement, but rather an assistentialist approach. Having bought one’s land does not require the same kind of loyalties, but grants a greater autonomy.

Sobeyda is critical to the notion that the government is ‘giving’ the women something.

“The state is not giving us anything, if they comply with this Law they are just doing what they owe us. We consider this our right, and we are not receivers of gifts. We are agents who exercise our rights” (Sobeyda, 2012).

Elizabeth explains this perception from a different point of view; “as farmers without land we see it that land has been taken from us. Large businesses’ land tenure is a kind of theft” (Elizabeth, 2012).

There have been many instances of political initiatives with clear expectations on returns of loyalty and support from the receiver. Several political measures in the last years have been in the nature of gifts, favours and bonuses rather than entitlements and rights (Kampwirth, 2011, p. 18). In some communities, anti-poverty programmes grant the construction of houses to those who do not have one. The beneficiaries are mostly the ones who have demonstrated a lot of support for the mayor.<sup>12</sup> Another example is the frequent use of billboards with pictures of Ortega that imply that he has given the community gifts, such as the construction of a school or a road. Thus, it is in a national context of confusing gifts with rights that the women make this distinction so clearly in regard to their land acquisition.

### **Rights and Gender Identity – ‘Pobrecita’ or Empowered?**

The distinction between asking for gifts and claiming rights does not only reflect the women’s own perception of their quest. It was also reflected in the choice of rhetoric and tactics they used publicly and towards politicians.

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<sup>12</sup> From witnessing the controversial 2008 municipal elections and being present in Nicaragua the following months, I observed these practices. In addition, I was told on several instances of such practices in different municipalities.

When asked if they sometimes toned down their vocabulary of rights for tactical reasons Sobeyda answered that they always talked from a perspective of rights,

“because if you don’t talk about it [women’s land ownership] from a perspective of rights it’s as if they bring you to the other side, ‘poor you’, because you are pobrecita [refers both to being poor economically, and to be someone others feel sorry about] others need to help you, give you the crumbs, because you are pobrecita and a beneficiary. But we say that we deserve public politics, we deserve programmes, we deserve that the state complies with what it ought to do, that they comply with the laws, but pobrecita, who takes whatever crumbs, whatever gifts, no. We want this from a rights perspective” (Sobeyda, 2012).

Sobeyda’s references to rights display that the activists were not only content with *gaining* land. They wanted to be *entitled* to land. Land acquisition was not perceived as constrained to means in itself, but the whole process, and the objective, spun from a practical gender interest to a strategic gender interest. The practical and strategic gains were to go hand in hand. It was about land *and* rights, about advancing for property *and* increasing political participation and influence.

Sobeyda emphasises that

“The reason why rural women should own land is not because they will work for their family, because they have always done so, her land is not just for contributing to others, but for her own sake too. Her land ownership is not justified as a means to satisfy others’ rights and needs, but rights of her own” (Sobeyda, 2012).

This relates to the discussion on the efficiency and broader utilities of women’s rights, for the improvement of the national economy and the welfare of the children, as discussed by Chant and Sweetman (2012), and stated in the actual Law (Law 717, 2010, Art. 1, 2 and 4).

The important difference between asking for gifts and demanding rights is not only significant in relation to policy-makers, and how politics develop. Sobeyda emphasises the impact it has on the women activists themselves.

“If they think of themselves as receivers of assistance they will internalise the perception of themselves as pobrecitas, they will stretch out their hand in order to



receive whatever others are willing to give them. It is as if things would fall down from heaven. But if they work for change, if we all work for change together, then we see that it is thanks to our involvement that we bring on change. Then we consider ourselves as exercising our rights, not receiving gifts” (Sobeyda, 2012).

An additional support for this view was the experience from the agrarian reforms. Several interviewees were of the opinion that among the men who were given land during the 1980’s many did not properly value what they had received since they had not paid for it.

### **Are Women Deserving of Land?**

A rhetoric that has been prevalent in much development discourse is that efforts should be directed towards women because they are more responsible than men (Chant & Sweetman, 2012; Cornwall & Molyneux, 2006; Jackson, 1993). This responsibility may be towards nature, her family or towards the bank. When Sobeyda is asked if these perceptions were applied in their rhetoric, she answers:

“Here we have to be careful, because we are aware that they could say let’s give them land because they cultivate better, they are better at paying their mortgages, or that they will secure food for their families, or preserve seeds. If we speak about sovereignty we have to be careful, we do it from a perspective of rights, to improve the conditions for women, so that women have power to participate in decision-making, so that she can say no, not only in regard to what she cultivates, but over her body too. It is an integral right. It’s about her exercising her citizenship” (Sobeyda, 2012).

Sobeyda’s denunciation of receiving land on the basis of the women’s virtue and responsibilities was supported in the other interviews as well. Sobeyda expresses the conviction that rights are not something one earns or deserve. They are a given birth right. The women demonstrated an unwillingness to justify their land rights based on who they are, but instead based their argumentation on the necessity of the right in itself. Reasoning based on perceptions of social justice and equality were their preferred means of argumentation in the interviews, rather than referring to their own characteristics.

## **Resonating with the Political Climate - Locally and Internationally**

It can be considered an advantage for the women that their arguments for land acquisition from a rights perspective resonates internationally. The UN has established both in the CEDAW, and in other instances women's rights to land. International development organisations such as Oxfam also share this perspective. This could, to a certain extent, pave the way of understanding and acceptance by the government towards the demands that the women made. Nicaragua is certainly influenced by this international rights discourse, particularly since its history of collaborating with development and aid agencies runs back to the revolution. Thus, the women's arguing was reinforced by the de facto stance of many aid and assistance programmes that the government was already involved within and was receiving support from.

The correlation between the activists' and international agents focus on rights was something the interviewees were aware of. "You achieve more when you talk about rights, because all over the world they speak about rights" (Elizabeth, 2012).

Not only the government responds to the international development discourse; many social movements have adapted their rhetoric in order to appeal to donors (Cornwall & Molyneux, 2006). Some buzzwords, such as sustainability, gender equality, empowerment and rights, gain more approval than others. Different trends have influenced international development projects, and by using a similar language as development agencies do, it is easier to gain economic support from these organisations. With this in mind it is of interest to know if the activists and the CMR took the contemporary development discourse into account when they formulated their wants, needs and ambitions.

The importance of contemporary development discourse can only have a limited impact in the formulation of the Law, by the CMR and successively by the state. The law proposal is directed to the state, not to NGOs and development projects. The CMR wants the *state* to support a certain politics and create a fund, and they want the credits to be established from the national budget. Thus, it is not as important to them to appeal to an international community of good-doers, as it may be to many other aspirations from autonomous Nicaraguan social movements and organisations. The CMR and its allies have received some economic support from OXFAM and We Effect (Cooperación sin Fronteras), but this funding has only been of a contributory nature, (i.e. to support the organising and campaigning).

However, those organisations were neither perceived as possible donors for the actual Fund, nor did they participate in meetings or formulating the agenda or the strategies.

Referring to Certeau's (1984) discussion on how tactics are the means of operating within power structures that one cannot effectively alter, it can be a tactic, by the activists, to use normative language and reference points, such as international development and rights discourse, to adjust at least publicly, to a welcomed form of discourse. The women were inclined to appeal to policy-makers by referring to their political and ideological leanings, pointing out that the skewed situation in land ownership was primarily a result of the previous governments' neoliberal politics, that is, of the opposition of the current government.

In their law proposal the CMR and Palacios referred to how the social and economic politics of the last sixteen years clearly disfavoured rural women, then proceeded to make references to how the agrarian reforms of the 1980s had progressive ambitions, but did not reach far enough regarding women, particularly not with the agrarian counter-reform by the neoliberal governments, "whom brought on the process that led to the unfortunate current situation" (Palacios, 2007). They point out that the victories of the Agrarian Reform of the 1980s were reversed by the following governments, and that the waves of poverty that followed forced former beneficiaries to sell their land.

It is clear that the activists took into consideration that the current government is Sandinista, and although they mentioned in the interviews that they were autonomous, and did not ally with one or the other political party, they were aware of whom they primarily addressed their proposal to, and they adapted their rhetoric accordingly. In the section on campaigning, Elizabeth was quoted as saying that since the politicians are accountable to the public, they have to listen to and respond to their demands. Thus, she concluded it should not matter what party the politicians belong to (see Elizabeth, 4.2.2. p. 69). On the other hand, Palacios' and the CMR's accompanying letter to the National Assembly problematizes Elizabeth's statement, since it makes clear that the activists did indeed construct their rhetoric in accordance with, and in awareness of whom the governing party was, and what the contemporary climate was and could offer.

#### 4.2.4 Gaining Political Support

Gender equality and strategies aimed at enhancing and exercising women's rights are not necessarily the same thing. Equality often receives approval when considered a *means* of, for example, advancing women's positions, and is often regarded as equality in *opportunities*. When equality is an *end*, which requires special treatment of women as a means, then more resistance is commonly met. This is part of the disagreement surrounding the concept of affirmative action, which this Law, to a certain extent, is. The Law's final goal is to achieve equality, but its immediate means of action is positive discrimination of rural women. This distinction emerged in the discussions about the phrasing of the Law and its target group.

“Many politicians objected that a law for equality could not only be directed to women, as this was an unequal measure. We explained to them that what we are asking for is equality, and that will not only benefit women, but the youth and the men as well” (Diliana, 2012).

In addition to this, the activists responded that because there already exist such great disparities between women and men, women ought to be the first target group. Once there is equality between women and men, nothing should prevent men from benefitting from credits too.

This argument sought to convince the policy-makers that taking active measures for women specifically would in the long run also have positive effects for the population at large, and thus be a safe cause to support independently of political leanings and party affiliation.

#### Distinguishing Between Assistance and Purchase

Discussions arose over the means that the women should dispose of in order to obtain land.

“Many politicians were dry and did not want to commit to support the Law. We had to explain to the politicians that we did not ask of them to give us land, but to provide loans, which we were going to pay back. When they understood that we would pay for our land, we managed to convince los padres del país [the fathers of our country]<sup>13</sup> to be in favour” (Diliana, 2012).

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13 With ‘The Fathers of the Country’, she refers to the politicians with the most power.

Elizabeth develops this point by acknowledging that most National Assembly members are property owners of land and businesses, many own coffee plantations and cattle ranches. They have land interests of their own, and will always seek to look out for what is best for themselves. They do not want to risk their wealth through yet another land reform. Therefore, the women emphasised that they were only seeking to buy land that was already for sale, and that this was not a case of land reform, but of providing credits for them to buy land.

In the conceptual framework, references were made to Agarwal's (1994) observation that it was a common phenomenon that empowerment gained more response when not considered as a zero-sum game. The above discussion has shown that the women of the CMR did not consider it unfavourable to argue for empowerment, yet the politicians were very sceptical as long as they thought it would be like a land reform with high applicability potential. When they realised it was only a matter of helping women to obtain loans in order to participate in the land market on similar conditions as those of men, it was no longer considered a zero-sum game, and talks of empowerment were not threatening. Equality politics was easier approved when it was not considered to 'cost' anything.

### **Bridging the Ideological Gap**

One of the CMR's strategies in gaining approval of the Law has been to advocate their cause in a way that appeals to politicians from various strands. The activists made a conscious decision to avoid ideological references or discussions that may appeal to one party more than the other.

"We don't want to fight this case with the Nicaraguan state, neither with the Government of Reconciliation –or the Sandinistas, not with any party. We need to make sure that they recognize us, and can grant us our rights. If we fight against them, we are at a great disadvantage. We cannot fight with them, we have to recognize them, but still from the perspectives of rights. We need to be aware of the contexts" (Alicia, 2012).

In a country that is polarized as a result of the war, yet closely tied together through political pacts, it is important to gain support from a broad coalition of strands. Should the CMR's advocacy be seen as either Sandinista or Liberal it could be more difficult to gain approval from both sides. Both the liberals' and the FSLN's ideological and rhetorical stands provide windows of opportunities for the women.

From an FSLN and leftist ideology, the eradication of poverty and class oppression is a priority. These women are the working-class heroines: rural, land-less farmers, women and single mothers, who struggle with poverty. Sandinista ambitions and rhetoric has always been in defence of the people with the least resources.

In a liberal perspective, it is desirable to seek emancipation and empowerment on an individual level and within the framework of the free market economy. The solution to problems, however structural they may be, can be sought within entrepreneurship and private property. In this sense, the women's proposal manages to look for support for individual opportunities at the same time as it seeks structural and state support for changing the gender inequalities in land ownership.

To collaborate on specific issues of interest, but not supporting the party per se, is seldom considered a political choice. The tendency is to accept everything that the party you support stands for, or at least be expected to do so.

“Here we have had the culture of either you are with me or you are against me. We don't really have a culture of citizenship and democracy because our country has not had it. We have lived through a dictatorship, then revolution, war, we lost the revolution and then had sixteen years of horrible neoliberalism, and now this government which isn't revolutionary either” (Oneyda, 2012).

Since there is an established culture of political dualism on one hand, and political fusion through pacts on the other hand, and the CMR activists are acting from an autonomous, and invented space, it is of particular importance to gain the support of both dominant parties; the FSLN and the PLC,<sup>14</sup> in order for the legislation to be approved. During their campaign, the activists avoided to be considered as supporters of one or the other party.

The political polarity that Oneyda describes has taken new forms since the political Pact between the PLC and the FSLN. Ever since the Pact, and particularly since the return of Ortega as president, it has been common that political policies and decisions are made with consensus between the PLC and the FSLN. In the 1980s, the greatest polarization was

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14 The PLC and the ALN are comparatively similar in electoral support. However, due to the Pact, the PLC has in effect greater power than the ALN, and is therefore considered one of the two main parties in Nicaraguan politics today.

between these two parties. Today the polarization is between the FSLN and the PLC on one side, and those who are critical against them on the other side. Among the critical voices are autonomous social movements, particularly large portions of the feminist movement, the ALN and the MRS (the Sandinista Reformist Movement), who broke away from the FSLN, and several actors from NGOs.

A large part of the Nicaraguan feminist movement has been very critical against the Ortega government, and met repression.<sup>15</sup> The rural women of the CMR have chosen not to criticise the government or any party politics, in order to gain the approval of the politicians and achieve the concrete and practical goal of land ownership. This does not imply that they have belittled themselves, or made themselves appear non-political. Instead, they managed to point out the skewed disparities between men's and women's land ownership without blaming the situation on the politicians, many of whom actually hold great interests in maintaining the status quo.

#### **4.2.5 Consequences of Moving from Invented to Invited Spaces**

This section will demonstrate how the women's quest for land sprung from an invented space to an activism that was increasingly taking form within invited spaces and the consequences of that transition.

The CMR's office was a small barrack, in which two women dedicated their work fulltime. The office space was too small to host all the women when they arranged their monthly meetings with representatives from the different districts and local groups, and they had to use facilities that belonged to their sister organisations. Although they did receive some economic support from development aid agencies<sup>16</sup>, it was not any substantial sums, and they were not economically dependent on them for their survival. Neither did they consult these agencies on their course of action, or adjust to the goals of the financiers. Their independence

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15 The previous governments of PLC and the National Coalition have also met criticism from the feminist movement, but since many of the feminists began their political commitments in the Sandinista revolutionary project, the criticism that feminists have raised against Ortega and the Ortega administration have resulted in a deep split. Ortega and Rosario have considered the feminist movement as political enemies.

16 Such as SIDA, OXFAM and We Effect.

from their financiers and state institutions when developing their agenda provided a space of participation that was autonomous.

This space provided a necessary basis where the activists' agenda, conviction, the sharpening of their arguments and the empowerment that was essential when turning their focus outwards, could grow. Their transformation from invented space to invited space was not always a smooth one. Their mobilization did initially meet limited support from politicians, and at times outright resistance. Diliaa describes how the response by politicians on a local or municipal level could be.

“They were laughing at us. In some departments local mayors who represented the FSLN told us we were crazy, that the law proposal was crazy and that it was crazy to believe that Daniel [Ortega] would actually come to support such a law” (Diliaa, 2012).

In some cases, the lack of support from local politicians turned into active mobilisation against the women. Diliaa accounts for another occasion when the CMR was informing women of the content of the law proposal, and the meeting was intervened and broken up by the police. Some of the most active leaders that were present were arrested, and brought to the police station.

At this point, much of their activism focused on making appearances and demands, uninvited. An example of this is their home visits to politicians and their spouses. This shows how their quest started out as an invented space. The benefits of acting within an invented space was that during the CMR's initial phase of organising they did not have to collaborate or take into consideration any demands or interests from outside actors.

Successively, as the work of the CMR gained ground, they were increasingly acting within the invited space of the National Assembly and state institutions. At this stage of their activism, the focus was on formulations, negotiations and persuading policy-makers of the importance of this Law. At an initial stage of their campaigning, the focus had been to involve as many rural women as possible, and through democratic means agree on a law proposal. Now, at this later stage in their political process, much attention had to be directed to establishing and maintaining good relations with the policy-makers. The shift from acting within an invented space to an invited space can seem natural as the political process progresses, but rhetoric and strategies often change accordingly to the settings. Sometimes



social movements become co-opted, other times they manage to influence society and achieve change.

The CMR's activists explained how the process from their law proposal to the final Law was a combination of success and compromise. The opinions differ among the interviewees. The majority of the activists expressed pride over their achievement. Others took a more critical point of view. According to Sofia Law 717 does not reflect what the women wanted to achieve. "They threw in a cat and got out a rat." What she is most critical of is that the final version of the Law has lost a lot of its previous weight. The women had proposed that the scope of land be five manzanas<sup>17</sup>, but eventually it was only three. They had also proposed to have a 20 years long mortgage plan, but were given 15 years. She was also critical to that the women's lack of influence in the committee of the Fund, and that the application of Law 717 was less significant than they would have wanted.

"Law 717 does not have teeth. I believe that independently of the reach of the Law, in the end it is an instrument that permits the women to continue to fight for having access to this resource" (Sofia, 2012).

Part of the fight for access to land is supposed to take place through PRODUZCAMOS, but so far the activists have not had access to the PRODUZCAMOS committee, and even been refused to communicate with the other members of the committee. Thus, their fights have had to remain on the grassroots levels.

Another of Sofia's concerns was the method of purchasing land. Law 717 does not specify how the Fund should function. A result of this may be that the Fund buys land and then sells it to the women. One of the problems of this strategy is that the women can be forced to move in order to access the land, something the women had clearly stated that they did not want to do.

"When they [the CMR] had made their proposition, then without previous notice, because it is a characteristic of this government, that it is very closed. Or rather, there is not much space or mechanisms for the interlocution with the civil society. Everything they do is closed. They open some spaces, but only with some sectors.

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<sup>17</sup> One manzana equals 0.7 hectares.

Sectors that are very linked to them or the sectors of large businesses. But sectors or organisations that have a certain level of autonomy and that plant their proposals based on their own agenda, those they keep on a certain distance” (Sofia, 2012).

Sofia’s critique illustrates how when the women to a higher degree were acting within an invited space they had to compromise more. The terms of their participation is to a higher degree defined by others. A further example of this is the composition of the committee of the Fund. The CMR has been granted one seat of representation, but they have not been permitted to choose which one of them should hold that position. Maria Teresa Fernández was democratically elected by the members of the CMR to be the leader and representative of their cause. It would be natural to assume that she would also represent the CMR in the committee. The members of the CMR were never given the choice of whom to represent them, and their interests, in the committee. Instead, the committee itself allocated the representative of the CMR.

The fact that the initiative for Law 717 was not coming from an invited space was something one of the interviewees pointed out as a possible explanation to why the politicians were lacking incentives to apply the Law. “If it was them who had come with the initiative they would have done a lot more to make things happen” (Rosario, 2012). The Sandinistas cooperate with organisations that are directly tied to them. However, the rural women’s movement is not per se a Sandinista supporting organisation, neither will they necessarily become loyal voters of the FSLN as gratitude in return for the passing of the Law.

“It seems to me that this [the government’s lack of incentive to allocate the funding and implement the Law] most of all has to do with the politics of this government. Or to say, this is not an organisation that they consider a valid interlocutor, the one that is claiming this right. If it had been one of the organisations that they listen to, I believe things would have progressed much faster. But it [the CMR] is an organisation that operates from an autonomous position, claiming rights, claiming the realisation of the Law. When it is like that from this government nothing happens. Since the initiative did not come from them, they have done nothing to make it happen” (Sofia, 2012).

Sofia clearly explains how different the political motivation from the government can be depending on whether a political transformation takes place within invented or invited spaces for political participation.

The critical viewpoint that some of the informants expressed, was not limited to Law 717 as it was finally written, but also towards the FSLN's politics and behaviour on a structural level. Most of these opinions were vented after the recording had been stopped. Several interviewees requested this as a precaution, when they wanted to raise any criticism against the FSLN or other political leaders.

Ortega portrays himself as 'the people's president'. All over the country huge billboards display portraits of Ortega and the text "el pueblo presidente", which can be translated 'the people is the president', or, 'the people govern'.



**These billboards from 2008 say: "The Nicaraguan race knows fighting and honour", and "Let's gain more victories", referring to Citizen Power, (my own photograph, 2008).**

To be closely connected to 'the people' is an important ambition. Since the times of the revolution, the FSLN has had close ties to a range of independent organisations and social movements, and maintained a connection between the grassroots and the state. Since the FSLN's loss of power, these movements became more independent (Kampwirth, 2004). After the return to power, and the split with some autonomous movements, particularly the feminist ones, Ortega has not been equally sure about the loyalty of the members of different social movements.

One means of making up for loss of loyalty is the establishment of the CPCs. Through them the government can rely on an active support base of people on a local level who can carry out different social programmes. Establishing direct democracy has been a stated goal and it makes it easier for politicians to listen to people on a local basis, without having to take into consideration some of the more inconvenient social movements. It has been in the CPCs'

nature to involve party loyal members. The CPCs could be a strategy of Ortega to hijack the invented spaces and transform them into invited spaces, thereby pacifying some spaces of autonomous mobilisation, and of critique and resistance towards him. These spaces are not only characterised by the autonomous social movements, but also include the relatively autonomous spaces of the municipalities. Anderson and Dodd (2009, p. 162) mention how Ortega

“has tried to undermine the independence of municipal governments, notably by seeking to create redundant Citizens’ Power Councils as parallel local institutions that respond directly to Ortega’s government and the national Sandinista party rather than to the local electorate.”

### **4.3 How Law 717 Resonated with Contemporary Politics**

This section looks into how Law 717 corresponds with contemporary state politics. It will provide a discussion on the ideological cocktail that Ortega’s politics is. The legislative process will be analysed, and the political incentives for gender equality in land ownership will be investigated.

#### **4.3.1 Current Social Programmes**

The women’s law proposal had a clear advantage by resonating with some of the FSLN’s current political programmes. Since their return to power, the FSLN has established three main social programmes aimed at poverty reduction. These are 1) Hambre Cero (Zero Hunger), 2) Desempleo Cero, (Zero Unemployment) and 3) Usura Cero (Zero Usury). Hambre Cero and Usura Cero have a particular focus on women. Hambre Cero includes programmes such as “the food basket”, where families are guaranteed to buy the basic necessities to subsidised prices, a task that is predominantly carried out by women. Another of Hambre Cero’s programmes has been to give cattle, pigs or chicken as an investment to people with enough land to keep livestock, and within this programme, women have been prioritised.

Usura Cero was established in reaction to many problems that had surged in relation to micro-credits. Oftentimes microcredits have been attributed with high interest rates, and in cases where debtors have not been able to pay their loans, have resulted in a spiral of more loans. Many micro-credit initiatives target women because women are presumed to be more reliable than men, and Usura Cero has had a certain focus on women.

These programmes are clear evidences of how the state has sought to put focus on providing support for people in poverty, rural people and farmers, and for addressing and resolving unmanageable debts. These initiatives have opened up a door for addressing the kind of politics and solutions that the CMR focuses on. Law 717 is in line with the ambitions of Hambre Cero, and to a lesser extent, of Usura Cero. Many interviewees described how lack of land ownership often disqualified the people in most poverty from participating in the programmes, since a certain amount of land ownership is a prerequisite for receiving livestock or other forms of assistance.

These programmes show that the FSLN has integrated a gender perspective in their politics of poverty alleviation. Part of this recognition of gender inequalities has been the decision to establish a higher equality within political representation. Further, several new laws have been introduced that battles a range of gender specific issues such as domestic violence. “We wanted to take advantage of the fact that we have a government that is on the side of the poor” (Diliana, 2012). To improve the lives of the poorest has always been crucial in the Sandinista project. Nicaragua has predominantly had a rural population. Subsistence farmers and the rural landless population have constituted the crucial part of the working class of Nicaragua and the basis of Sandinista supporters (Martí i Puig, 2012).

It is in the FSLN’s interest to adhere to the wishes of this population, even though private property as a solution to alleviate poverty is not a classical socialist remedy. The fact that the Sandinistas favour this strategy can be explained both because it is the wish of ‘the people’ (i.e. their supporters), and also because it reflects the FSLN’s withdrawal from socialist analysis in favour of market liberal and neoliberal solutions (Martí i Puig, 2010, p. 93pp.).

Both the women’s role as pure working class, with the least resources at their disposal, and their roles as mothers who seek to provide for their children, appeal to what the FSLN represents: protecting the poor, and protecting the family. A prominent perception within the Catholic Church is that a woman’s primary role is of a supportive nature; mothering and

caring for her family. Her work is devoted to the wellbeing of others. Both Marxist feminism and Catholicism, and Evangelism which is on the rise in the region, often have romanticized views on womanhood, what women's roles are, what women need, and how to best support them (Gooren, 2010; Jubb, 2014, p. 293 pp.).

#### **4.3.2 Mobilising in the Context of 'Orteguismo'**

Ortega and FSLN's politics have transformed from initially being influenced by Marxism and Nationalism to now accommodate conservative Christian values. The context that Ortega operates within has changed from taking place in the aftermath of a US-supported dictatorship with colonial influences, revolution, civil war and Cold War settings, to present-day neoliberalism. These are all factors that influence the content of his politics and the political possibilities he envisions. Criticism has been raised from different places that Ortega's politics is not cohesive or ideological, but that he is adapting too much to oftentimes contradictory political agendas. His critics refer to this centralisation of power and the increasingly populist politics as Orteguismo. Ortega is both reaching out to the Catholic Church, and the socialist supporters, both establishing close connections with Chavez and ALBA-SUR and promoting free trade agreements (Martí i Puig, 2010; Perla & Cruz-Feliciano, 2013, p. 101; Spalding, 2012, p. 232).

Law 717 can be promoted without challenging any of the different views that Ortega is currently representing. The women's quest for land could appeal to Catholics because of their appreciation of the mothers' role in terms of providing for their children. Socialists can identify with the women's cause because they are severely affected by poverty. It resonates with neoliberalism because it considers private property ownership to be the best solution to problems such as poverty and exclusion among rural women.

#### **4.3.3 Ratification Without Implementation?**

At first, it may seem like the Law has radical potential, particularly when regarding that it gained unanimous approval by all National Assembly members that were present in the voting. The number of votes in favour should however not necessarily be regarded as an indicator of how great the support and the commitment to the actual Law and the cause really was.

Instead of being a clear reflection of support for Law 717, it can also be considered as a sign of support for the Pact and the political leaders. Ever since the Pact, it has become a common praxis to vote unanimously in favour or not. Strict loyalty to the party leaders prevents deviance among National Assembly members. Since the two parties FSLN and PLC already operate with consensus in many issues, this is also the case in legislative processes (Close & Martí i Puig, 2012).

“I believe that here there is a tendency to approve laws, but without taking into consideration the feasibility of them. That is to say, they don’t analyse how much the economic implications of a law will be, or they don’t investigate what the necessary budget for a law will be. At times they approve laws in a very clientelistic and partisan manner” (Sofia, 2012).

It is therefore questionable if the political will that a unanimous vote indicates in normal circumstances is present in regard to Law 717.

Law 717 is only one among a large number of laws that has been passed in the last few years. While the legislative process has often been fast and successful, the applications of these laws have oftentimes received far less attention. Whether Nicaragua is going through radical social change, or experiences an inflation in progressive laws, may be questioned. “Since their return to office in 2006 the government has passed a wide number of progressive laws. Of these many have not been realised in practice” (Sofia, 2012).

Oftentimes the government has not paid attention to what it would cost to apply the laws, and many laws do not receive any backing in the national budget. It is not only a lack of cost-calculations that is problematic; sufficient analytic foundations are often missing. In the case of Law 717 a lack of research and statistics over how many women need land, of how much land is available and where, was not properly carried out previous to the voting on the Law. Specific knowledge, both of the actual needs and the possible applicability of Law 717, were missing during the legislative process. Sofia and Yaneira refer to this lack of statistics.<sup>18</sup>

A majority of the interviewees expressed a fear that Law 717 was one of these laws that lack real intentions of being implemented, at least on a large scale. Their perception was that since

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<sup>18</sup> After the implementation of the Law, the FAO, on their own initiative, carried out complementary statistics on land ownership.

the ratification nobody with political power pursued their interests. It seemed more as if the approval of the Law was one of principally being in favour of increased land ownership among women, but lacking the incentive to actually strive to change it. Some of the informants pointed out that among the politicians, particularly the influential ones, many were large-scale landowners with little incentives to give up any of their land.

#### **4.3.4 Problems Related to Funding**

The ratification of Law 717 may have been a relatively cost-free act of good will, but may not have been accompanied by real incentives to increase the number of women who owns land. Failure to specify from where the sources for the Fund were to be allocated left the activists sceptic about the politicians motivation to support women's increased land ownership. The Law does not indicate what money and how much money should be destined to the Fund. The activists have demanded that it be taken from the national budget. The government on the other side has not included this in their national budget plans. Some interviewees mentioned that Venezuelan aid might sponsor it. Ortega, and since then deceased President Chavez, had close relations. The close ties between the two Presidents and the money-flow from Venezuela to Nicaragua has allowed Ortega to dispose of a budget outside the national budget. This budget has been directly associated to Ortega's presidency, and will only benefit people as long as he remains in that post (Kampwirth, 2011, p. 18).

According to some interviewees, the World Bank has been considered as a possible financier to the Fund. These speculations gave the impression that the government was awaiting an offer from somewhere of providing the funds. When one interviewee was asked how she considered the option of World Bank funding, she replied:

“If they want to lend us money they can do so, but then they should do so under our conditions. They should play by our rules, it is our Law, and our initiative and we should be the ones to decide. What we don't want is the kind of agricultural market that the World Bank proposes. We also had to explain to La Via Campesina<sup>19</sup> that we are not advocating a free market land regulation, or want to buy on the terms of a

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19 La Via Campesina is a global organization of which some of the affiliated organisations of the CMR are part of.



speculative deregulated market. We must not confuse this, our Law has nothing to do with what the World Bank is doing” (Elizabeth, 2012).

This resonates with Jacobs (2013) suggestion that there are many corporate interests behind some initiatives that claim to promote women’s rights and women’s land tenure. Elizabeth is aware of the risks, and has even had to explain their choice of action to La Via Campesina. If the World Bank, or other foreign interests were to sponsor the Fund, the activists remain aware of the risks implied.

A representative of PRODUZCAMOS proclaimed that they were simply awaiting resources and could not act to implement the Law as long as the government had not told them how much and what money to use, (Doris, 2012). Among the activists many expressed that PRODUZCAMOS ought to put pressure on the government in order to make things happen.

The picture that was portrayed in the interviews was that all public instances were awaiting incentives from somewhere else. This lack of incentives to allocate resources raises questions as to whether the state administration does have a genuine interest to radically change the current bias towards male land ownership, in favour for increased land ownership among women.

A couple of the interviewees said that not much land was for sale presently, and they believed that this could be an explanation as to why Law 717 had not yet been applied. Their statements could be perceived as a sign of trust in the government; they did not want to suspect the government for not wanting to support them. Nevertheless, it could also be a tactics to appear trusting in the government, in order to maintain at least their approval and the chances of gaining land. Oneyda addresses the issues without directly expressing her opinions about it:

“So far we have not had one single person that has had access to a credit in order to buy three manzanas of land, no. And it has not been possible because of the government, I don’t know if it is a lack of will, or if they do not have the resources, or what it is”(Oneyda, 2012).

A contradiction to the statement that there is not a lot of land for sale, is the increase of foreign investment in land, particularly along the coasts and places suitable for tourist investments. At least in those areas land is for sale, but to high prices. Apart from the

expansion of tourist investment, the increased costs of land could be accredited to the influx of 'migra-dollars'.

Many Nicaraguans migrate to neighbouring countries, primarily to Costa Rica, but also to Honduras and El Salvador, or to the USA, in order to earn higher salaries than they would in Nicaragua. Their higher purchasing power gives them an economic advantage in obtaining land, but unfortunately contributes to raise the price of land. One of my informants raised concern for how this may impede on the applicability of the Law (Manuel, 2012). A family, or a single parent who cannot themselves travel abroad and save money, or does not have a partner or another family member who can do it for them, has difficulty bidding for the same land as someone with foreign earnings. This, to some extent, strengthens the case for why women need an incentive such as the Law 717. However, Manuel expressed doubt on the possibilities of the Law, as long as it aligns with free market rules. Single mothers, even if holding the right to low interest loans, may still not be able to purchase land on a competitive market. If that were the case, the numbers of actual beneficiaries would not be high enough to seriously challenge the national inequality in land ownership. How to estimate whether a woman is skilled enough to own land, how her motherhood and single status should be defined, from where the land is to be bought (either by PRODUZCAMOS or on single initiatives), is still unknown.

Despite these reservations, the women considered Law 717 to be a victory. To have established the legal right to assistance in purchasing land is considered an important stepping-stone. Now they can refer to their demands with legal backing, and are not limited to appeal to the validity of supporting women's land tenure acquisition. They can instead refer to their legally established rights. Oneyda concludes:

“Yes, we are content because at least we influenced that there be a Law to create access to purchase of land. Because the Law exists. Because it is an aspect of legal jurisdiction that women mandate. But I consider that we have not filled the prerequisites established, we have not filled the expectations of the fellow women, because so far the women still have not been able to obtain this access to credits in order to obtain land. I think the fight has been worth the effort, it has been a fight of all women members from different women's organisations. We have had allies in mixed organisations, but this has permitted us to reach as far as we have. If we did not exist as organisations before the campaigning, I think that we might not have an

alternative initiative for the women to be able to have a tool that permits them to say, well here I have this Law in order to be able to have a piece of land. I hope that this whole fight is won so that some percentages of women can have land in not too long. That they can have their piece of land and be owners of this land, so they can produce and raise the level of their family economy. (Oneyda, 2012).



**One of the CMR's tactics is to create markets in strategic places, e.g. in front of the National Assembly, in order to draw attention to their productivity while at the same time demanding implementation of Law 717. The banner states: "In the international day of rural women, we continue to fight for our rights. ...Land for the women!" (We Effect Centro Cooperativo Sueco, 2013).**

## 5 Conclusion

Women's lack of land tenure is one of the major problems of gender inequalities in Nicaragua and for rural populations in many regions of the world today. The purpose of investigating the processes that resulted in the ratification of Law 717 has been to show both how women mobilise to achieve land tenure, and also to have a closer understanding of women's mobilisation and grassroots participation in contemporary Nicaragua.

### **Reasons for Pursuing Land Ownership**

The Nicaraguan women's fight for land ownership sprung from a situation of poverty and vulnerability. But this was not the only reason. Ideological convictions and perceptions of justice also played an important part as to why they pursued Law 717.

To own land can be considered both a practical and a strategic gender interest for the ones who aspire to achieve change. Practical, because it has immediate positive effects for women, in reducing poverty, and opens up the possibilities to benefit from agrarian and anti-poverty-programmes. Strategic, because land tenure is accompanied with greater independence, marital bargaining power, and freedom to exercise the rights of women to decide over their bodies and their health. Land tenure increases the social status of landowners, and raises opportunities to be part of and participate in farmers' committees, cooperatives and communal and municipal decision-making processes. It was this double effect of practical and strategic interests that made it attractive for the women to organise around the quest for land.

Because of the political changes that Nicaragua has gone through, affecting both personal and societal levels, it was a realistic ambition to demand state support for providing the necessary means to expand women's land ownership.

### **Means of Advocating and Pursuing Law 717**

My study has shown how the activists pursued land tenure rights by consciously applying rhetoric of rights instead of referring to their needs, or to the benevolence of politicians. They consciously chose to pursue land ownership through means of loans, on grounds that this would strengthen the sense of entitlement to the properties, both among themselves and by others. Their wish to gain land based on what they regarded as the right reasons was an

important part of their struggle. Although they argued for their cause from a perspective of citizenship, they still took into consideration and adapted to the current political climate and social notions of womanhood.

Although autonomous grassroots organisations have been excluded in many ways, for the benefits of organisations that have been co-opted, or in other ways given their loyalty to the FSLN and the state apparatus, the CMR managed to navigate the political landscape and succeed in having their demands listened to and supported. When still operating within the invented spaces, before gaining official approval for the Law, the women were oftentimes received with resistance and repression from the politicians of the same party that later accommodated the women's demands. The committee of the Fund clearly had the effect of dictating the scope of participation by selecting the representative of the rural women, and not inviting at all to further participation. The women did however choose to accept the terms of conditions, regarding it better to have a representative seat at all. However, they continued to invent new forms and means of participating and influencing. The political support that the women achieved among policy-makers was particularly favourable when it was established that Law 717 would not cost the legislators anything, neither imposing on male privilege nor on the privilege of accumulated land wealth.

### **How Law 717 Corresponded with the Contemporary Political Context**

It is plausible to conclude that legislators passed Law 717 because they perceived it as a tool for poverty reduction since they expect the women's altruistic work to improve the national economy in general. Law 717 corresponds to social programmes that aim to address poverty, and incorporate both a rural and a gender perspective. In this sense, Law 717 corresponded well with both political rhetoric and praxis of the government. It was shown that the Law manages the task to correspond to the multidimensional layers of values and interests that are incorporated in 'Orteguismo'; Christian, Marxist and free-market ideals. On the other hand, it did constitute a radical demand for gender equality in property ownership, political participation and power. This places the CMR in the autonomous feminist movement that is often considered to be in opposition to what Ortega stands for.

It was further shown that Law 717 came into being in a context of legislating progressive laws, and that the unanimous approval of Law 717 was not unique, and can not be presumed to reflect an exceptional support for the increase in women's land ownership. Rather, it is

possible that it is a reflection of a legislative practice that is a result of the political pacts that were established a decade earlier. It was also shown that the distinction between legislation and ratification can be very noticeable, and as has been apparent, the allocation of resources and funding has been lacking. Thus, it was suggested that the legislation of the Law may reflect progressive public politics, but not necessarily a commitment to carry through changes in power structures, the control of natural resources and the means of production.

A further suggestion was that by establishing the institutions, such as PRODUZCAMOS, but not the resources, the state had created an invited space of participation that rather impeded the participation of the women than encouraged it. As the women had gone from activists to 'participants' in the committee of the Fund, their force of mobilisation could be weakened, and their demands for land ownership curbed. It was clear in the interviews though, that the fight continues, and that the women still use means of autonomous activism in order to demand the implementation of Law 717.

### **Concluding Remarks**

Investigating agrarian politics and ambitions to increase equality in land ownership is not only a feminist quest, but also supports regional stability. Much of Latin American history and contemporary politics show that disparities in land ownership have been causes of both extreme poverty and misery, but also of political conflict and upheaval, with military coups, dictatorships and revolutions as a result, which Nicaragua is a clear example of. Thus, the Nicaraguan women's fight can be seen as not only a quest for social justice and a means of survival, but also in a perspective of regional peace.

Nicaragua is among a number of countries in Latin America who in the last years have passed legislation in order to promote and increase women's land tenure. Still, demands for rights are causing lethal conflicts in many other places. In the 1980s, women of the ATC said that the war could not be won without addressing gender inequalities. Similarly, it may be suggested that conflicts over land cannot be won without addressing gender inequalities in the rural countryside.

A crucial aspect of Law 717 and the women's grassroots mobilisation is to shed light on that women want to gain land primarily for their own sake: to gain control over a means of production, economic independence, and thereby strengthening their power and participation, within their families, communities, state politics and possibly also international settings.

The procedures to Law 717 are relevant to research because they allow us to gain an insight into the terms of political participation, and the shaping of feminist solutions to some of the realities that women face in contemporary Nicaragua. Nicaragua is a suitable case study as it provides several dimensions of analysis, not only because it was here that this particular Law came into being. It is also of academic interest because it provides a plethora of political contexts that are being investigated, as an effect of following the procedures of the grassroots organising through ratification of Law 717. However, the relevance of Law 717 remains to be seen, and can only be investigated after it has been implemented and put into practice.

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## Interviews

All interviews were conducted by Lina-Lotta David in March and April 2012.